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ABSTRACT

The purpose of this booklet is to provide, in chart form, a comparative overview of state laws for public employee bargaining that affect one or more levels of public education personnel at one or more levels of education. A short introductory section explains provisions listed in the chart as well as other important provisions of bargaining laws. The chart contains information about each state law's provisions for coverage, employee groupings for bargaining purposes, provisions regarding middle-management personnel, agency charged with responsibility for the major administration of collective bargaining laws, scope of bargaining, impasse procedures, grievance procedures, procedures for dealing with unfair practices, open meeting provisions, specifications for form and deadlines of agreements, and other comments. Appendices contain examples of provisions in state public employee collective bargaining laws, and a glossary. (Author/JM)

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Cuebook

State Education Collective Bargaining Laws

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

Report No. F78-9

Prepared by Doris Ross

Department of Research and Information
for the Education Finance Center

Education Commission of the States
Denver, Colorado

Warren G. Hill, Executive Director

October 1978

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EA 011 233

Doris Ross is a research associate in the Department of Research and Information of the Education Commission of the States. Two prior versions of this booklet have been published by ECS.

A particularly useful reference in the preparation of the state legislation chart was the Government Employee Relations Report published by the Bureau of National Affairs, Inc., Washington, D. C. Other basic information for this report was drawn from state education codes and special resources developed through the ECS Legislative Information System. Laws have been updated through the middle of 1978.

The research for this booklet was supported by state funds from the Education Commission of the States, the Spencer Foundation, the Ford Foundation and the Carnegie Corporation.

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Introduction

In January 1975, the Education Commission of the States (ECS) first released *A Legislator's Guide to Collective Bargaining in Education* — a forerunner of this booklet. It was an attempt to outline for legislators and educators the major provisions in state collective bargaining laws at a time when the issue was "hot." Today's tight economy and an emerging swing toward political conservatism have cooled the issue a bit, but not enough to preclude a continuing and "holding" interest in the topic.

The first booklet listed 32 states with collective bargaining laws affecting one or more areas of the education community. The *'76 Update: Collective Bargaining in Education, A Legislator's Guide* (January 1976) added no "new" states but did include some "new" laws enacted by the 32 states, as well as amendments to laws already on the books. This booklet adds Tennessee to the list of bargaining states and includes new laws and amendments to established state laws as well.* In addition, two new columns have been added to the chart, primarily because the level of interest in these areas has risen. The column headings are : Middle Management Provisions and Open Meeting Provisions.

The purpose of the chart is to provide the reader with a quick comparative overview of state laws for public employee bargaining that affect one or more levels of public education personnel at one or more levels of education. State public employee bargaining laws that do not touch education personnel are omitted, although their existence is noted in the "Comments" column.

Because the provisions noted in each column very often represent telescoped summaries of rather extensive provisions in state laws, and because the column headings do not cover all major aspects of state laws, the following discussion will be helpful to the reader. It is organized in a loose sequential order that follows, more or less, the structure of many state public employee bargaining laws. Provisions that are not covered in the chart have not been omitted because they

* After the production process of this book began, California enacted a law granting bargaining rights to employees of the University of California and the California State University and Colleges: AB 1091 of 1978.

are unimportant. On the contrary, they are important considerations in any collective bargaining law and so complex as to merit separate treatment outside the scope of this booklet.

In Appendix A, sample texts of state provisions are shown — not as models, but as examples of how state legislators may choose to write specific sections of their state's bargaining laws. Use of these examples does not constitute an ECS endorsement of them.

A glossary of common bargaining terms appears as Appendix B.

Immediately preceding the chart is a tabular summary of some of the provisions in state public employee bargaining laws as they affect education.

The Laws and the Chart

State and Statutory Reference; Identification

In this column, the name of the state and the statutory reference appear. Below each citation is an identification key. On the top line of the key, centered, is the type of coverage in the law:

CB = *Collective bargaining:* The process that requires two parties, the employer and the designated employee collective bargaining agent, to perform mutual obligations aimed toward the arrival of a written and binding contract.

MC = *Meet and confer:* The process that requires two parties, the employer and the employee representative, to consult together on matters defined by law. Agreements are not necessarily binding and, generally, the employer has the right of final decision on the matters under discussion.

On the left side of the identification key is the level of education personnel covered:

K-12 = Employees serving kindergarten through grade 12.

PS = Employees serving at the college and university level.

CC = Employees serving at the community college, or two-year institutions, level. CC is used only where the law *specifically* states that community colleges are covered. K-12 and PS designations frequently encompass the community college level, depending on state structures.

On the right side of the identification key is the employment level of covered personnel. For purposes of the chart, the following symbols and definitions are used:

P = *Professional employee*, generally, when applied to education personnel, means teachers or personnel with similar or higher status.

C = *Classified employee*, generally, means one below the rank of teacher; i.e., clerk, food employee, bus driver, custodian, paraprofessional.

Particular characteristics of each law examined are noted on the last line of the identification key. The terms used are:

State Level = A law with coverage for state-level employees only.

Local Level = A law with coverage for local-level employees only.

Omnibus = A law with coverage for employees at more than one governmental level.

Two states have laws with limited coverages that are not common to other states: Maine has a special law for Postsecondary (university) employees only; Wash-

ington has a special law for Community College faculty only. These have been noted in the chart.

Statement of Intent or Declaration of Policy

This information is not included on the chart. Most public employee bargaining laws begin with a statement of intent or declaration of policy. Generally, this is an overarching statement that lays the groundwork for the provisions of the act that follow. It is here that the legislature might indicate its concern for the efficient and orderly operation of government and its recognition of the rights of government employees to have a voice in the terms and conditions of their employment. Often, when the provisions in a bargaining law are subjected to court interpretation, this statement of intent or declaration of policy will influence the court's decision (see Appendix A).

Coverage; Employee Classification; Level

In this column, some of the language in each law is used to further define the provisions for coverage. Exclusions from coverage are listed as well. In all cases, an attempt is made to indicate which education employees, at what levels, are covered by the collective bargaining rights expressed in each law. Often, state laws contain a section for definition of terms; and it is these definitions that set the perimeters for coverage. If the law is for most public employees at all levels of government, it will say that the employer, for bargaining purposes, is the state and its political subdivisions (the language varies from state to state). If the law is for K-12 education bargaining only, it will define the employer as school district governing boards. The classifications and levels of employees who may or may not bargain under the law are defined as well. See Appendix B for definition of some of the terms in this column. See Appendix A for examples of legal definitions for *professional employee, supervisor, managerial executive* and *confidential employee*.

Unit Recognition Procedures

This information is not included on the chart. Unit recognition procedures provide a framework through which an employer "recognizes" or agrees to negotiate with a defined group of employees who are represented by a bargaining unit. Requirements for recognition vary from state to state, and range from an informal acceptance of the unit by the employer to complicated procedures for petitions, signature cards and elections in order to guarantee that the bargaining unit that represents a majority of the employees is the one that is ultimately recognized by the employer.

Recognition procedures are administered or supervised by either the employer or a designated state or local agency, most often the public employee relations board (if one exists). When the employer recognizes a bargaining unit, it is accorded (in all the state laws examined for this book) "exclusive representation" for a term of one or more years. During this period of time, the bargaining unit is the only one that may negotiate with the employer for the group of employees that it represents. Most often, other employee organizations may "challenge" an exclusive representative only after a designated time period has expired. The challenging organization may replace the incumbent group only after going through the unit recognition procedures successfully.

Bargaining Unit; Type of Representation; Union Security

Information on how employees are grouped for bargaining purposes appears in this column. Unit composition may be determined by the law, by the employer in his acceptance or rejection of the unit, or by another state or local agency such as a public employee relations board. Usually, bargaining units must be "appropriate" and reflect a "community of interest." In some areas, state laws vary. K-12 teacher units most often stand alone, but some states allow such units to encompass certified administrators under certain conditions. It is usually the case that separate units must be formed for supervisors and nonsupervisors, professionals and nonprofessionals. In a few instances, states allow distinct units to combine for bargaining purposes only. At the postsecondary level (where state-level institutions are involved), a few states require that statewide units of designated employee classifications be formed for negotiating contracts. See Appendix A for an example of the criteria used in identifying appropriate units that reflect a community of interest.

As has been noted, all of the state laws examined provide for exclusive representation of bargaining units. With this exclusive representation, some states grant privileges such as meeting places for the unit, mail boxes, time off for those involved in negotiations and so forth. Permission to have the employer deduct union dues from employees' paychecks is sometimes granted by law or negotiated in individual contracts. The same is true of service fees, paid by nonmembers for a union's services as exclusive representative in the bargaining process; when this is the case, the appropriate term for the arrangement is *agency shop*. A *union shop* exists when all employees represented by the unit must be members of the unit. Privileges such as these are forms of union security. See more complete definitions in Appendix B.

Middle-Management Provisions

This is a column that has been added since the last update of this book. In the last two or three years, there has been increasing interest in collective bargaining rights for administrators, supervisors and other middle-level personnel (see examples of definitions in state laws in Appendix A). Considerable discussion has centered around the advisability of granting bargaining rights to such personnel. There are some who feel that administrators such as principals and assistant principals should be allowed bargaining rights, lest they be squeezed out by teachers and school boards during the bargaining process. The other side of this point of view is that these classifications are definitely "management" and should not bargain, unless as a part of the management team. States have taken a variety of approaches, from permitting bargaining by these middle-management personnel to prohibiting it. However, it is a fact that administrator and supervisor units are involved in the bargaining process today — with or without legal permission. Often permission to bargain hinges on the definitions in the laws of the various kinds of middle personnel. Some sample definitions will be found in Appendix A.

Administration

The agency in each state that is charged with the responsibility for the major administration of the collective bargaining provisions in state laws is listed in this column. As the practice of public employee bargaining has spread, more and more states are setting up public employment relations boards or commissions to provide assistance and decision-making procedures to those engaged in the

bargaining process. Responsibilities outlined in the state laws vary for these boards. They may include overseeing elections for unit recognition, determination of unit composition, assistance with the settlement of bargaining impasse disputes, grievance procedures and resolution, rulings on unfair practices and appeal processes. An example of provisions for a public employee relations board is included in Appendix A.

Scope of Bargaining; Management Rights

The scope of bargaining encompasses those items that are actually put on the bargaining table for negotiation. Historically, this has included "wages, hours, and terms and conditions of employment"; and this phrase (or one very similar) is what delineates the scope in many state laws. Obviously, the phrase requires continuing interpretation. Often, it is the first item to be addressed in the bargaining process — agreement on what issues and items are to be negotiated. When disputes arise over the items to be negotiated, the practice has been to rely on decisions issued by courts, attorneys general and public employee relations boards. Over the past few years, however, a number of states have seen fit to define the term more clearly in their laws; such expanded definitions of scope are included in this column in the chart.

Another way to clarify the scope of bargaining is to spell out, either loosely or in some detail, the items and issues that may *not* be bargained. These generally come under the heading of "Management Rights." Regardless of the way management rights are treated in state laws, there is at least some general agreement on their scope. Problems arise when management and labor disagree over the dividing line between scope of bargaining and management rights. Examples of provisions for management rights are included in Appendix A.

Bargaining Impasse Procedures

Provisions for bargaining impasse procedures differ from state to state, from extremely detailed structures and processes that take many paragraphs in the law to almost casual treatment. Sometimes procedures for handling impasse are developed by the public employment relations board. Sometimes they are worked out by the bargaining parties within a loose, legal framework. Accepted procedures for dealing with impasse may be divided into three steps: mediation, fact-finding and arbitration. State laws provide for one or more of these steps, and/or give the bargaining parties the authority to work out their own procedures.

At issue in the past several years is the final step for impasse resolution. After a mediator has attempted and failed to encourage the parties to agree, and after a fact-finder has investigated the issues and recommended solutions that are not accepted by the parties, arbitration might be authorized. This is when a final resolution must be made. The arbitrator(s) will study the problems and, in accordance with mandated or agreed-upon procedures, come up with a final decision. According to state law or agreed-upon procedures, he or she may select the "final offer" of either party as the best solution; or he or she may make decisions on an item-by-item basis. The arbitrator may be restricted by law to deciding selected issues only, i.e., matters involving the expenditure of money might be subject to advisory arbitration only. A significant number of state laws provide for conditional final and binding arbitration on contract disputes; and some state laws do not address the question of arbitration at all, let alone procedures and limitations. Almost always, the courts can be considered as the last resort in contract disputes. See Appendix A for an example of bargaining impasse proceudres.

Grievance Procedures

Often, grievances are defined in state laws as complaints, by either party, related to the application and/or interpretation of a bargained agreement. Provisions in most state laws (1) grant public employees the right to discuss and/or file grievance complaints as individuals, not necessarily represented by the employee bargaining unit, and (2) allow for the inclusion, in bargained agreements, of procedures for the resolution of grievance complaints. A significant number of state laws require that grievance procedures be negotiated. Since a number of state laws list "failure to comply with the terms of the bargained agreement" as an unfair practice, procedures for resolution of grievance complaints and unfair practices charges may be the same (see example of procedures for dealing with unfair practice charges in Appendix A).

Unfair Practices; Penalties; Strikes

Provisions listing unfair practices may be short or lengthy, but the overall intent is the same across the states; many of the laws contain nearly identical descriptions. Often, a procedure is outlined for dealing with charges, by the employer or employee, of unfair practices by the other party.

Unfair practices by the employer generally include interference with employees' and/or the employee organization's rights under the bargaining law, hiring and employment discrimination, dismissal of employees because they exercise their rights under the law, communication with employees other than through their authorized representative(s) during the bargaining process, refusal to bargain in good faith and violations of written contracts.

Unfair practices by the employee or the employee organization usually include interference with the employer's or employee's rights under the law, communication with employer officials other than through the designated bargaining representative during the negotiations process, refusal to bargain to good faith and violations of written contracts.

Sometimes, the state law will list strikes, slowdowns and lockouts as unfair practices. In other cases, such activity is treated separately in the law. Only a few states permit strikes by education employees, and in no case is this strike permission unconditional (see Summary Table and Chart).

Penalties for unfair practices and/or strikes are outlined in one way or another in some of the state laws. Most often, the process required involves an investigation of the charges for unfair practices or the reasons for strikes; a determination of which, if any, laws or rules or agreements have been violated, and who is at fault; and cease and desist orders from the administering agency and/or an appropriate court injunction. In some states, employees (and sometimes employers) face fines for continuing violation of stop orders or court injunctions. A number of states permit discipline, dismissal and/or jailing of employees engaging in illegal unfair practices, including strikes. Rights of appeal are almost universally granted (see the example in Appendix A).

Open Meeting Provisions

More often than not, provisions requiring or not requiring bargaining sessions to be open public meetings are not included in state bargaining laws but are found in other sections of state codes. This column has been added because of current controversy over the issue. While the actual texts of state open-meeting laws

have not been reviewed for this book, the writer has relied on correspondence with and telephone calls to state information contact persons.

As will be noted in the chart, a common stipulation in the state laws is that initial bargaining proposals and final agreements be made in public meetings, and that the nitty-gritty, give-and-take of working proposals and counterproposals through to a consensus may be in closed session. Some of the state open meeting laws do not address bargaining sessions per se, but do state that personnel or contract matters may be discussed in closed session.

Final Form; Deadline Dates for Completed Agreements

In this column, there are notes that indicate whether or not a bargained agreement must be reduced to a written contract, if there is a specified time limit for contracts to run and if contracts must be completed by specified dates or at a certain point in a time-line for budget completion.

Comments

Miscellaneous information that may be useful to the reader is placed in this column. This includes notes on other state public employee bargaining laws that do not apply to education, court cases that are relevant to one or more of the columns in the chart, attorneys general opinions, provisions for postsecondary student participation in the bargaining process, stipulations for legislative body approval of bargained agreements and other relevant information.

Summary Table

State Public Employee Collective Bargaining Laws Affecting Education

State	Type of Laws			Coverage for Professional (P) Personnel[4]			Coverage for Classified (C) Personnel[5]			Coverage for Supers. and/or Admins.[7]			Union Secur.[8]	Strike Permit[9]	Bind. Arb. of Dispute[10]	PERBS[11]
	Local[1]	State[2]	Omnibus[3]	K-12	CC[6]	PS	K-12	CC[6]	PS	K-12	CC[6]	PS				
Alabama																
Alaska	x		x	x		x			x	p			x	x[13]	x[13]	
Arizona																
Arkansas																
California	x	x		x	x					p-c	p-c		x			x
Colorado																
Connecticut	x	x		x	x	x	x	x	x				x		x[18]	x

[1] **Local** — a law with coverage for local-level employees only.
[2] **State** — a law with coverage for state-level employees only.
[3] **Omnibus** — a law with coverage for employees at more than one governmental level.
[4] **Professional personnel** — generally, when applied to education, means teachers or personnel with similar or higher status.
[5] **Classified personnel** — generally means those below the rank of teachers; i.e., clerks, food employees, bus drivers, custodians, paraprofessionals.
[6] **CC (Community Colleges)** — this column is checked only if community colleges are mentioned specifically in law; state structures vary, and community colleges may be included with K-12, with postsecondary or may be a separate system.
[7] **Supervisors and/or administrators** — this column is used if state law provides coverage for **any level or all** levels of supervisors and administrators.
[8] **Union security** — this column is used if state law permits dues checkoff, service fees or other forms of union security. All state laws provide for exclusive representation of organizations.
[9] **Strike permission** — this column is checked if state law provides for strike rights for education employees. All strike rights appear to be conditional.
[10] **Binding arbitration of dispute** — this column is used if state law permits the binding arbitration of contract disputes.
[11] **PERBS (Public Employee Relations Boards)** — this column is used if the state has set up a special public employee relations board or commission to administer public employee collective bargaining.
[13] Postsecondary personnel only.
[18] K-12 classified personnel only.

Summary Table (Continued)

State Public Employee Collective Bargaining Laws Affecting Education (Continued)

State	Type of Laws			Coverage for Professional (P) Personnel[4]			Coverage for Classified (C) Personnel[5]			Coverage for Supers. and/or Admins.[7]			Union Secur.[8]	Strike Permit[9]	Bind. Arb. of Dispute[10]	PERBS[11]
	Local[1]	State[2]	Omnibus[3]	K-12	CC[6]	PS	K-12	CC[6]	PS	K-12	CC[6]	PS				
Delaware	x		x	x		x	x		x				x		x[12,13]	
Florida			x	x	x	x	x	x	x				x			x
Georgia																
Hawaii			x	x		x	x		x	p-c		p-c	x	x	x	x
Idaho	x			x						p						
Illinois																
Indiana	x			x			x		x	c					x[22]	x
Iowa			x	x		x	x		x				x		x	x
Kansas	x		x	x	x	x	x		x							x
Kentucky																
Louisiana																
Maine	x	x[13]		x	x	x		x	x	p-c	p-c	p-c	x		x[12]	x
Maryland	x			x			x			p-c			x			
Massachusetts			x	x		x	x		x				x[16]		x	x
Michigan			x	x		x	x		x				x			x
Minnesota			x	x	x	x	x		x	p-c	p-c	p-c	x		x	x
Mississippi																
Missouri			x				x		x							
Montana			x	x	x	x	x	x	x				x	x[14]	x	

Nebraska	x			x		x	x		x						x	
Nevada	x			x			x			p-c			x		x	x
New Hampshire			x	x		x	x		x	p-c		p-c				x
New Jersey			x	x	x	x	x	x	x	p-c	p-c	p-c			x	x
New Mexico																
New York			x	x		x	x		x	p-c		p-c	x		x	x
North Carolina																
North Dakota	x			x						p						x
Ohio																
Oklahoma	x			x		x				p-c			x			
Oregon			x	x		x	x		x				x	x	x	x
Pennsylvania			x	x		x	x		x	p-c		p-c	x	x	x[15]	x
Rhode Island	x	x		x		x	x		x				x[16]		x[12]	x

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[4] **Professional personnel** — generally, when applied to education, means teachers or personnel with similar or higher status.
[5] **Classified personnel** — generally means those below the rank of teachers; i.e., clerks, food employees, bus drivers, custodians, paraprofessionals.
[6] **CC (Community Colleges)** — this column is checked only if community colleges are mentioned specifically in law; state structures vary, and community colleges may be included with K-12, with postsecondary or may be a separate system.
[7] **Supervisors and/or administrators** — this column is used if state law provides coverage for any level or all levels of supervisors and administrators.
[8] **Union security** — this column is used if state law permits dues checkoff, service fees or other forms of union security. All state laws provide for exclusive representation of organizations.
[9] **Strike permission** — this column is checked if state law provides for strike rights for education employees. All strike rights appear to be conditional.
[10] **Binding arbitration of dispute** — this column is used if state law permits the binding arbitration of contract disputes.
[11] **PERBS (Public Employee Relations Boards)** — this column is used if the state has set up a special public employee relations board or commission to administer public employee collective bargaining.
[12] Binding arbitration on nonfund matters only.
[13] Postsecondary personnel only.
[14] Court ruling.
[15] Not binding if legislative action required.
[16] Mandatory.
[22] K-12 and postsecondary classified personnel only.

Summary Table (Continued)

State Public Employee Collective Bargaining Laws Affecting Education (Continued)

State	Type of Laws			Coverage for Professional (P) Personnel[4]			Coverage for Classified (C) Personnel[5]			Coverage for Supers. and/or Admins.[7]			Union Secur.[8]	Strike Permit[9]	Bind. Arb. of Dispute[10]	PERBS[11]
	Local[1]	State[2]	Omnibus[3]	K-12	CC[6]	PS	K-12	CC[6]	PS	K-12	CC[6]	PS				
South Carolina																
South Dakota			x	x		x	x		x	p-c		p-c				
Tennessee	x			x						p						
Texas																
Utah																
Vermont	x	x		x		x[17]	x		x[17]	p		p-c	x[18]	x[19]	x[18]	x
Virginia																
Washington	x	x		x	x		x	x	x	p	p		x[20]			x
West Virginia																
Wisconsin	x	x		x	x		x	x	x		p-c	c	x	x[21]	x[21]	x
Wyoming																
Totals	18	7	17	31	10[6]	22	25	8[6]	25	p-18 c-13	p-6[6] c-5[6]	p-9 c-10	22	7	19	22

[1] **Local** — a law with coverage for local-level employees only.
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[7] **Supervisors and/or administrators** — this column is used if state law provides coverage for any level or all levels of supervisors and administrators.
[8] **Union security** — this column is used if state law permits dues checkoff, service fees or other forms of union security. All state laws provide for exclusive representation of organizations.
[9] **Strike permission** — this column is checked if state law provides for strike rights for education employees. All strike rights appear to be conditional.
[10] **Binding arbitration of dispute** — this column is used if state law permits the binding arbitration of contract disputes.
[11] **PERBS (Public Employee Relations Boards)** — this column is used if the state has set up a special public employee relations board or commission to administer public employee collective bargaining.
[17] All state university personnel excluded.
[18] K-12 classified personnel only.
[19] Provisions unclear.
[20] No provision for community colleges.
[21] K-12 professional and classified personnel only.

State Collective Bargaining Laws Affecting Education — Mid-1978

18

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
ALABAMA					
ALASKA Statutes: § A 14.20.550 through A 14.20.610 CB K-12 | P Local Level	Certified employees K-12 level	Certified employee units. Exclusive representation. No union security	Certified administrative personnel, including principals, assistant principals, may bargain separately. Superintendents are excluded	Local school boards or directors of state-operated schools	Matters pertaining to employment and fulfillment of professional duties. Legal rights of school boards protected
ALASKA Statutes: Public Employment Relations Act: § 23.40.010 through 23.40.240 CB PS | P-C Omnibus	All public employees of state and political subdivisions except elected, appointed, school district personnel. Postsecondary professional and classified	Units determined by Labor Relations Agency. Exclusive representation; union shop, dues checkoff, service fees permitted	No specific provisions	Department of Labor or state personnel board	Wages, hours, terms and conditions of employment (defined as hours, compensation and fringe benefits, personnel policies affecting working conditions)
ARIZONA					
ARKANSAS					

Bargaining Impasse Procedure	Grievance Procedure	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
			Bargaining sessions are not exempted from open meeting requirement		Teachers may consult with superintendent re education policy: T.52, 73, 166. A statutory prohibition of public employee membership in labor unions was declared unconstitutional in 1972. State has firefighters bargaining: Tit. 37, §450(3)
Parties may select mediator, or request resolution by Federal Mediation and Conciliation Service. Advisory arbitration may follow	Must be bargained. Must provide binding arbitration and method for selecting arbitrator	No specific provisions	Negotiating meetings may be closed by mutual consent, but final agreements shall be made at public meeting	Final form and deadline not specified	
Mediation and arbitration through labor relations agency. Bargained arbitration procedure may follow Uniform Arbitration Act	Must be bargained. Must provide binding arbitration. Unresolved complaints to labor relations agency for fact-finding, hearings, decision	Standard provisions for unfair practices. Educational strikes permitted after mediation; must be followed by binding arbitration	Final agreement must be made at public meeting	Written agreement not to exceed 3 years, completed in advance of budget-making process	Bargained items requiring funding are subject to legislative approval. Salary differential plan must be included in agreement
			Closed sessions may be held for "discussion or consultation with representatives or employee organizations regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of employees. . . ." Final action in public session		State has no public employee collective bargaining legislation
			Closed sessions for personnel matters. Bargaining not addressed		State has no public employee collective bargaining legislation

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
CALIFORNIA Education Employees Collective Bargaining; SB 160, 1975 13540 - 3549.3 CB K-12 | P-C CC Local Level	All public school employees except elected, appointed, managerial and confidential. K-14 professional and classified	Separate units for classified, certificated and supervisors. Exclusive representation. Dues checkoff, service fees permitted	Supervisors may bargain. Unit must include all supervisors; must not have same bargaining agent as nonsupervisory unit. Unit determination by board if in dispute. Management positions are designated by employer, reviewed by PERB, may not bargain	Public Employment Relations Board: 3 members appointed by governor with senate advice and consent	Wages, hours, 7 other terms and conditions of employment as defined in act: health and welfare benefits; leave; transfer and reassignment; safety; class size; employee evaluation procedures; organizational security; grievance procedure; probationary layoffs. Certificated may consult only on education objectives, course content, curricula, textbook selection. School board has final authority on employee relations. Tenure, merit system, civil service protected. Legal management functions protected.
CALIFORNIA State Employer-Employee Relations Act: § 3512-3524 MC K-12 (State) | P State Level	Civil service employees and teaching staff of schools under jurisdiction of department of education; except managerial, confidential, maritime academy. K-12 professional employees of SDE-operated schools	Community-of-interest units with rebuttable presumption for separation of professionals and nonprofessionals. Exclusive representation. Dues checkoff permitted	Supervisors may not bargain under provisions of this act, but may be represented by union on employment conditions; supervisory/personnel relations; wages, hours and other terms and conditions of employment. No memorandum of understanding	Public Employment Relations Board: 3 members appointed by governor with senate advice and consent. Governor or representative is employer	Wages, hours, other terms and conditions of employment. Laws and executive orders may not be discussed
COLORADO					
CONNECTICUT Municipal Employees: § 7-467—7-477 MC K-12 | C Local Level	Political subdivision employees including classified school district personnel; excluding certified teachers, elected administrators, supervisors, department heads	Appropriate units; separate units for professionals and nonprofessionals unless combined by vote of professionals. Exclusive representation; dues checkoff permitted	Supervisors, defined in act or by state board of labor relations, may not bargain	State Board of Labor Relations: 3 members, 2 alternates appointed by governor	Wages, hours, other conditions of employment. Management rights, merit system protected
CONNECTICUT State Employee Collective Bargaining: § 5-270—5-280 CB PS | P-C CC State Level	All state employees excluding elected, appointed, board and commission members, part-time, confidential, certain others. Supervisor coverage determined by SBLR. Postsecondary professional and classified	All covered employees. Community of interest. Professionals may vote to be in nonprofessional unit. Statewide units for faculties of University of Connecticut; state colleges; community colleges; technical colleges; vocational schools. Exclusive representation. Dues checkoff, service fees permitted.	Supervisors as defined by State Board of Labor Relations may not bargain	State Board of Labor Relations: 3 members, 2 alternates appointed by governor. Postsecondary negotiations with appropriate institutional board	Wages, hours and other conditions of employment. Extensive management rights listed; state personnel agency authority, merit system protected

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation, fact-finding, advisory recommendations through PERB	May be bargained. PERB available. Binding arbitration on interpretation of agreement permitted	Standard provisions for unfair practices, injunctive relief, court review. Strikes prohibited through exclusion of act from Labor Code provisions	Initial proposals in public meeting; subsequent proposals to be made public within 24 hours; public must have opportunity to express views	At request of either party, written agreement not to exceed 3 years; not subject to certain civil codes. No deadline specified	Act may not preempt Education Code. A 1971 governor's executive order called for meeting and conferring with non-academic university and college employees on general salary increases, inequities and general benefits. Other bargaining laws not covering education include: Public Employee law: §3500-10 of Government Code; State Employees Right to Organize and bargain: §3525-3536; Firefighters: §1960-1963.
Mediation through PERB	No specific provisions	Standard provisions for unfair practices. No specific provisions for strikes	All initial proposals and counterproposals in public meeting to be public record. Public must have opportunity to express views	Written memorandum of understanding to legislature prior to budget adoption date	Specified sections of state law may be preempted by memorandum of understanding. Legislature must approve memo provisions that require amendment to state law other than specified sections. Fund items must be approved by legislature. A meet and confer law
			Closed sessions may be held for bargaining		State has no public employee collective bargaining legislation
State Board of Mediation and Arbitration available for mediation, fact-finding. Final and binding arbitration, including consideration of last best offer, may be requested by either party or imposed by Board	May be bargained. State Board of Mediation and Arbitration available	Standard provisions for unfair practices. Strikes prohibited. No penalties specified	Closed sessions may be held for "strategy or negotiations"	At request of either party, written contract in time for budget-making process	Agreements must be approved by appropriate legislative body; funding must be provided after approval. Federal approval must be obtained when indicated. A meet and confer law
Board of Mediation and Arbitration available. Mediation, fact-finding, written recommendations	Board of Mediation and Arbitration procedures: fact-finding, last best offer, binding arbitration	Standard provisions for unfair practices. Strikes prohibited. No penalties specified	Closed sessions may be held for "strategy or negotiations"	Written contract, in time for budget-making process	Requests for funds and agreements in conflict with statutes must be approved by legislature. If rejected, renegotiation prescribed. Terms of approved agreement prevail over state law, rules. Federal approval required when indicated

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
CONNECTICUT General Statutes Annotated: § 10-153a through 10-153g MC K-12 | P Local Level	All certified professional employees of town and regional boards of education except superintendents and persons responsible for budget preparation, personnel relations and temporary substitutes. K-12 level	Certified personnel in "teacher" or "administrator" unit. Exclusive representation. No union security	Intermediate administrators and supervisors may bargain in separate "administrators" unit, or in combined unit with nonadministrators by mutual agreement. Superintendents and certain others may not bargain	Local and state boards of education	Salaries and other conditions of employment about which either party wishes to meet and confer
DELAWARE Code: Right of Public Employees to Organize: Tit. 19, Ch. 13, §1301 through 1313 MC PS | P Omnibus	Any employee of any state, county, municipal corporation, city or town, or any agency thereof except elected, appointed, certified public school employees	Determined by Department of Labor and Industrial Relations. Exclusive representation. Dues checkoff permitted	no specific provisions	Department of Labor and Industrial Relations	Employee relations, wages, salaries, hours, vacations, sick leave, grievance procedures, other terms and conditions of employment
DELAWARE Code: Tit. 14, Ch. 40, § 4001-4013 MC K-12 | P Local Level	All certificated noadministrative employees, excluding supervisory and staff personnel. K-12 level	All covered employees. Exclusive representation. Dues checkoff permitted	Supervisors may not bargain	Local boards and state board of education	Salaries, employee benefits and working conditions must be bargained
FLORIDA Statutes: Public Employee Relations Act: §447.001 through 447.605 CB K-12 | P-C PS CC Omnibus	Public employees; K-12 and postsecondary levels included; professional and classified. Excluded are elected, appointed, confidential, managers, administrators	Criteria listed for appropriateness of unit. Final review of unit determination by Public Employee Relations Commission. Statewide units permitted. Exclusive representation. Dues checkoff permitted	Managerial employees defined in act; i.e., school administrators (principals, instructional supervisors and professional administrative assistants) may not bargain	Public Employee Relations Commission: 3 full-time members and 1 part-time alternate appointed by governor, confirmed by senate	Terms and conditions of employment. Extensive management rights; merit system protected
GEORGIA					

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation by secretary of state board of education. Arbitration with nonbinding recommendations by selected panel	No specific provisions	Standard provisions for unfair practices. Strikes prohibited; injunctive relief	Closed sessions may be held for "strategy or negotiations"	Written agreement to be completed in time for budget-making process	Agreement is binding on legislative body of town or regional district unless rejected by such body; renegotiation prescribed. A meet and confer law
State mediation service and/or arbitration at request of either party. Wages and salaries may not be submitted to arbitration	Must be bargained	Standard provisions for unfair practices. Strikes prohibited; No penalties specified	Closed sessions may be held for "strategy or negotiations"	Written agreement. No deadline specified	A meet and confer law
Mediation, fact-finding, nonbinding recommendations. Binding arbitration by third party is prohibited	No specific provisions	Unfair practices defined as any tactic that circumvents teacher contracts. Strikes prohibited, with loss of unit recognition for violation	Closed sessions may be held for "strategy or negotiations"	Form of minimum 2-year agreement not specified. No deadline specified	A meet and confer law. If law is in conflict with other statutes, those statutes prevail
Mediation, "special master" for public hearings, fact-finding. Settlement by appropriate legislative body	Must be bargained; must provide for binding disposition	Standard provisions for unfair practices; injunctive relief. Strikes prohibited, listed as unfair practice; injunctive relief; fines, damages, probation, loss of unit recognition for violation, judicial review	Closed meetings may be held for "all discussions between chief executive officer of public employer and legislative body of public employer relative to collective bargaining" . . . and "all work products developed by public employer in preparation for negotiations" are not public documents. Open meetings must be held for "collective bargaining negotiations between a chief executive officer and a bargaining agent"	Written contract. No deadline specified	Local jurisdictions may adopt "substantially equivalent" procedures. Student representative (one selected by each community college student government association and the council of student body presidents) may be present at all negotiating sessions If legislative body does not appropriate sufficient funds to cover contract, contract must be administered with lesser appropriation. Provisions in contract that are in conflict with law, ordinance, rule, regulation are not effective unless and until such laws, etc., are amended by appropriate legislative body
					State has Firefighters Bargaining Law: HB 569, L. 1971

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State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
HAWAII Statutes: Public Employees Act: § 89-1 through 89-21 CB K-12 | P-C PS Omnibus	Any person employed by a public employer except elected and appointed officials, confidential, certain other and top level management. K-12 and postsecondary levels; professional and classified	13 categories for appropriate units listed, including: teachers and other personnel on same salary schedule; education officers and others on same salary schedule; faculty of University of Hawaii and Community College System; other post-secondary personnel. Exclusive representation. Dues checkoff, service fee permitted	Supervisors, as defined by salary scale and nature of work, may bargain in "blue collar units," "white collar units" or combined supervisory/nonsupervisory units by mutual agreement	Public Employment Relations Board: 3 members; 1 management, 1 labor, 1 public, appointed by governor. Office of collective bargaining with chief negotiator established within governor's office	Wages, hours, other terms and conditions of employment. Specific exclusions. Extensive management rights; merit system protected
IDAHO Code: § 33-1271 through 33-1278 MC K-12 | P Local Level	Certificated employees of school districts. K-12 level	Bargaining units not defined. Exclusive representation. No union security	Superintendents, supervisors and principals may be excluded from professional employee group by agreement, but apparently are not precluded from bargaining	Local board of trustees of school district	To be specified in agreement. School board "necessary action" protected
ILLINOIS					
INDIANA Burns Annotated Statutes: § 28-4561 through 28-4584 CB K-12 | P Local Level	Certificated employees. Supervisors, confidential employees, security employees and noncertificated employees excluded. K-12 level	Certificated employee organization. Exclusive representation. Dues checkoff permitted	Superintendents, business managers, directors, principals, department heads, supervisors may not bargain. Superintendents may make recommendations to employer	Education Employment Relations Board: 3 members appointed by governor	Salaries, wages and related fringe benefits, hours. Deficit financing prohibited. Extensive management rights listed

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
May be bargained. May culminate in final and binding arbitration. Mediation, fact-finding and arbitration available from PERB	May be bargained. May culminate in final and binding arbitration. If not bargained, must be submitted to PERB for final and binding arbitration	Standard provisions for unfair practices. Strikes permitted after fact-finding if parties do not mutually agree to arbitration	Closed meetings may be held "to deliberate concerning the authority of persons designated by the board to conduct labor negotiations . . . or during the conduct of such negotiations"	Written contract. Reasonable effort must be made to conclude prior to legislative appropriation of cost items. Expiration date of contracts must be June 30 of odd years	In most situations, governor or designee is identified as "public employer" for negotiating purposes Students and student help of state institutions excluded from act Terms of agreement within legal scope of bargaining prevail over existing rules and regulations of employer Act takes precedence over all conflicting statutes; preempts all contrary local regulation
Mediation, fact-finding, nonbinding recommendations	No specific provisions	No specific provisions	Joint ratification of all final offers of settlement shall be made in open meetings. Records or proceedings open. Closed meetings may be held "to conduct deliberations concerning labor negotiations . . . if either side requests"	Final form not specified. No deadline specified	A meet and confer law Powers, duties and responsibilities of legislature, state board of education, local boards are protected. State has Firefighters Bargaining Act: Ch. 138, L1970.
			Closed meetings may be held for "collective negotiating matters between public employers and their employees or representatives"		State has no public employee collective bargaining legislation Under a 1968 judicial ruling, teachers and local employees may bargain collectively. State universities have conducted bargaining under personnel code. State executive branch employees, under 1973 executive order, may negotiate wages, hours and certain conditions of employment not regulated by law HB 1343 of 1975 allows Chicago school board and employees to bargain
Mediation and fact-finding by EERB	May be bargained. May provide for final and binding arbitration. Change in contract prohibited. Complaints to and hearing by EERB	Standard provisions for unfair practices. Strikes prohibited, with no make-up time; salary loss, loss of dues check-off for violation	Closed meetings may be held for litigation, property purchase, personnel matters and confidential records	Written contract. If agreement is not reached 14 days before budget submission date, tentative individual contracts authorized; bargaining to continue	State aid unaffected by lost strike days. Contracts may not include provisions in conflict with rights or benefits established by federal or state law

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
INDIANA Public Employee Labor Relations: Ch. 4, IC 22-6 (HB 1298, 1975) CB K-12 | C PS Local Level	Employees of political subdivisions of state except appointed or elected, police, fire, engineers, university faculty, certificated K-12, confidential, municipal or county health care. Covers K-12 and postsecondary classified	All covered employees. Units may not include supervisors with other employees. Majority membership required for exclusive representation. Dues checkoff permitted	Supervisors may bargain in separate units	Education Employment Relations Board: 3 members appointed by governor	Wages, hours and other terms and conditions of employment. Extensive management rights listed
IOWA SF 531 of 1974 CB K-12 | P-C PS Omnibus	Public employees, excluding administrators, supervisors, superintendents, principals, assistant principals, elective officials, certain students. K-12 and postsecondary levels; professional and classified	Professional and nonprofessional employees; separate or single unit by agreement. Exclusive representation. Dues checkoff permitted	Administrators, supervisors, superintendents, principals may not bargain	Public Employment Relations Board: 3 members appointed by governor	Wages, hours, terms and conditions of employment, including health, safety, evaluation, inservice training, mutually agreed-upon matters. Retirement excluded. Extensive management rights listed
KANSAS Revised Statutes: § 72-5413 through 72-5424 MC K-12 | P CC Local Level	All professional employees, excluding administrators as defined in act. K-12 and community college levels	Community of interest of certified employees. Exclusive representation. No union security	Administrators, as defined in act, may not bargain	State board of education	Terms and conditions of professional service, defined as salaries and wages, hours and amounts of work, vacation, holiday, sick and other leave, number of holidays, retirement, insurance benefits, wearing apparel, overtime pay, jury duty, grievance procedure, resignations, termination of contracts, matters with direct impact on employee well-being. Legal rights of management protected

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
If not otherwise agreed, mediation fact-finding by EERB. Binding recommendations at request of either party. Final and binding arbitration permitted; last best offer provisions	May be bargained. May provide binding arbitration	Standard provisions for unfair practices. Strikes prohibited; pay loss, loss of dues checkoff for violation	Closed meetings may be held for litigation, property purchase, personnel matters and confidential records	Written contract if requested by either party	Contracts may not conflict with established federal or state law. Deficit financing prohibited. A 1969 attorney general's opinion states that public employers, including boards of higher education, may not engage in collective bargaining until authorized by legislature
May be bargained. Mediation, fact-finding, final and binding arbitration available through PERB	May be bargained. Mediation, fact-finding, final and binding arbitration available through PERB	Standard provisions for unfair practices. Strikes prohibited; injunctive relief. Fines, dismissal, loss of organization recognition for violation	Court interpretation of open meeting law is under appeal (1978). At issue is whether both parties must choose closed bargaining, or school board unilaterally deciding on closed or open meetings. New law, effective 1979, no longer allows closed meetings "for compelling reasons"	Final form not specified, must be made public. Impasse procedures must begin 120 days before budget submission date	Contract is not to be inconsistent with statutory limitations on public employer funds If provisions of act jeopardize federal funds to state, they are inoperative
Impasse to be determined by court, using fact-finding. Subsequent procedures include mediation, fact-finding with non-binding recommendations. Board of education has right to final decision	May be bargained; may provide binding arbitration	Standard provisions for unfair practices. Strikes prohibited; listed as unfair practice; no penalties specified	Negotiations sessions are subject to open meeting requirement	Final form not specified, but may be made part of individual employment contracts; and may not exceed two years	A meet and confer law Supreme court ruled in 1973 that Act requires negotiation, not merely meeting and conferring; written agreement in master or individual contracts; binding on both parties Constitutional and statutory provisions may not be bargained

State and Statutory References; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
KANSAS Public Employee Law: Revised Statutes: §75-4321 through 75-4337 IEC K-12 | C PS | P-C Omnibus	Public employees — any person employed by the state, state agencies, governmental subdivision, except supervisors, professional school district personnel, elected, management, confidential. K-12 classified; professional and classified post-secondary	Appropriate units; separate for professional and non-professional employees unless combined by mutual agreement. No union security	Management personnel may not bargain. Supervisors as defined in act may be members of employee unit, but are not entitled to bargaining representation. Definition may be changed by mutual agreement	Public Employee Relations Board: 5 members appointed by governor with senate consent; 1 employer, 1 employee, 3 at large public. Also Secretary of Human Resources	Conditions of employment defined as salaries, wages, hours of work, vacation, sick and injury leave, number of holidays, retirement benefits, insurance benefits, prepaid legal service benefits, wearing apparel, premium pay for overtime, shift differential pay, jury duty and grievance procedures. Legal rights of management protected. Civil service, merit system protected
KENTUCKY					
LOUISIANA					

Bargaining Impasse Procedure	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
May be bargained. If not bargained, PERB may request mediation, fact-finding and neutral arbitrator services from Secretary of Human Resources. Final decision by governing board	May be bargained. May provide advisory or final and binding arbitration. If not bargained, PERB will provide final arbitration	Standard provisions for unfair practices, strikes prohibited; listed as unfair practice; no penalties specified, but PERB may determine. Injunctive relief, court review	Negotiations sessions are subject to open meeting requirement	Written memorandum of understanding in time for budget-making process. Agreement not to exceed 3 years	Governing body may elect to being public employer under provisions of act, after which provisions are binding. Governmental subdivisions with reasonably equivalent procedures are exempt. A meet and confer law. Provisions in federal, state or local law may not be bargained. Bargained provisions requiring new legislation or finance approval are not effective until appropriate legislative body or finance council takes necessary action. Fiscal impact statements must accompany bargained agreements
			All meetings are subject to open requirement with exceptions for personnel matters and land acquisition		State has Firefighters Collective Bargaining Act: Kentucky Revised Statutes, Ch. 345 (cities over 300,000 or by petition); county policemen's collective bargaining (over 300,000); KRS Ch. 78 State supreme court ruled in 1978 that public employers are not required to negotiate but may choose to do so A 1975 attorney general's opinion states governor is not authorized to grant bargaining rights to teachers' unions
			Open meeting law does not exempt bargaining sessions from open requirement. Closed meetings for personnel matters		State has no public employee collective bargaining legislation, but dues checkoff authorization exists

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
MAINE University Employees Bargaining Rights: Tit. 26, Ch. 12; § 1021-1034 CB PS | P-C CC Postsecondary	Regular employees of University of Maine, Maritime Academy, vocational-technical institutes and state schools for practical nursing; except appointed, members of immediate staff of chancellor or superintendent, confidential, less than 6 months' employment	Systemwide university units for: faculty, administrative and professional; clerical, office, laboratory and technical; service/maintenance; supervisory classified; and police. Maritime Academy to have units of: faculty, administrative and classified. Voc-tech and practical nursing institutions to have system wide units of faculty and administrative. Additional categories may be added by petition to MLRB. Exclusive representation. Union security, except closed shop, may be negotiated	Supervisors qualifying as "regular employees" may bargain, in appropriate unit category	Maine Labor Relations Board: 3 members, 6 alternates appointed by governor; 1 employer, 1 employee, 1 public	Wages, hours, working conditions, contract grievance, arbitration. Federal assistance protected
MAINE Public Employee Law: Revised Statutes: Tit. 26, § 961 through 972 CB K-12 | P-C Local Level	Any municipal or political subdivision employee except elected, appointed, confidential, superintendent, assistant superintendent, probationary, provisional, temporary, seasonal, on-call, or part-time employee; state board and staff also excepted. K-12 level; professional and classified	Employer or Executive Director of Maine Labor Relations Board to determine unit, if disputed. Professionals may vote to be included in nonprofessional unit. Exclusive representation. No union security	Principals, assistant principals, supervisory teacher may bargain in teacher unit	Maine Labor Relations Board: 3 members, 6 alternates appointed by governor (1 employer, 1 employee, 1 public); confirmed by legislature	Must bargain wages, hours, working conditions and grievance arbitration. Must meet and confer only on education policies. Merit system, civil service system protected
MARYLAND Annotated Code: Art. 77, § 160 CB K-12 | P Local Level	Certificated employees of public schools and persons of equivalent status in Baltimore City; except superintendents and those designated as employer negotiators. Covers K-12 professionals	Unit determined by employer after negotiations and other requirements met; no more than 2 units per employer. Exclusive representation. Dues checkoff permitted	Principals, assistant principals and supervisors may bargain in separate or combined units. Principals may be placed on management bargaining team	Local boards and state board of education	Salaries, wages, hours and other working conditions
MARYLAND Annotated Code: Art. 77, § 160a CB K-12 | C Local Level	Noncertificated employees of public schools, except management, confidential, those designated as employer negotiators. Covers K-12 classified	Unit determined by employer after negotiations and other requirements met; no more than 3 units per employer. Exclusive representation. Dues checkoff permitted	Supervisors may bargain in separate units	Local boards and state board of education	Salaries, wages, hours and other working conditions
MASSACHUSETTS General Laws Annotated: State-County-Municipal Employee Law: Ch. 150-E, § 1-15 CB K-12 | P-C SE | Omnibus	Public employers except elected, appointed, confidential, certain others. Covers K-12, postsecondary professional and classified personnel	Appropriate units, separate units for professionals and nonprofessionals unless professionals vote to combine. Exclusive representation. Dues checkoff, conditional service fees required	Supervisors who are not defined as management are not excluded specifically	Labor Relations Commission: 3 members appointed by governor	Wages, hours, standards of productivity and performance, and any other terms and conditions of employment

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
May be bargained; may provide binding arbitration except on cost items. Other procedures may be selected by mutual agreement at time of impasse; or MLRB will provide mediation, fact-finding, binding arbitration except on cost items. Court review	Contract grievance arbitration must be bargained, with binding arbitration only on interpretation of agreement. Injunctive relief, court review	Standard provisions for unfair practices. Strikes prohibited, listed as unfair. No specific penalties	Discussions of labor contracts and proposals may be held in closed meetings. Open meetings may be held by mutual agreement. Final action must be public. Preparatory negotiating materials are closed records	Written contract not to exceed 2 years. No deadline specified	Cost items in bargained agreements for vocational-technical or state nursing schools must be submitted for governor's operating budget; if legislature rejects, renegotiation is prescribed
Mediation and/or fact-finding. MLRB and Maine Board of Conciliation and Arbitration available. Binding arbitration on all matters by mutual consent; if none, binding arbitration on matters other than salaries, pensions, insurance. Court review	May be bargained. Mediation, fact-finding. Binding arbitration permitted on interpretation of contract. MLRB and MBCA available. Court review	Standard provisions for unfair practices. Strikes prohibited, listed as unfair practice; injunctive relief	Open meetings for negotiations by mutual agreement. Discussions of contracts and proposals may be held in executive session. Public employers' preparatory materials are closed records. Final action in public meeting	Written contract not to exceed 3 years. No deadline specified	State also has bargaining law for employees of executive department: MRS. Tit. 26, § 979
State superintendent determines impasse exists; mediation nonbinding recommendations	Binding arbitration of grievances may be bargained	Standard provisions for unfair practices. Strikes prohibited; loss of dues checkoff and exclusivity rights for 2 years for violation	Closed meetings may be held for conducting negotiations. Final action in public meeting	Written agreement. No deadline specified	Special enabling legislation in 1978 will permit faculty bargaining in Montgomery College, a 2-year institution
Mediation by mutual agreement; nonbinding recommendations. State board available	Binding arbitration of grievances may be bargained	Standard provisions for unfair practices. Strikes prohibited; loss of dues checkoff and exclusivity rights for 2 years for violation	Closed meetings may be held for conducting negotiations. Final action in public meeting	Written agreement. no deadline specified	Baltimore City and 3 counties have separate procedures for classified personnel. This act covers 12 of 23 counties
Board of Conciliation and Arbitration mediation, fact-finding, binding recommendations if mutually agreed by parties and authorized by appropriate legislative body	May be bargained; binding arbitration permitted. Board of Conciliation and Arbitration available. Court review	Standard provisions for unfair practices. Strikes prohibited; injunctive relief. Salary loss, no makeup, discipline and discharge for violation	Closed meetings may be held to discuss strategy and to conduct bargaining sessions	Written contract not to exceed 3 years. No deadline specified	In certain cases, bargained cost items must be submitted to appropriate legislative body or governor for approval; if rejected, must be renegotiated In certain cases, bargained agreements prevail over local ordinances, by-laws, rules or regulations

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
MICHIGAN Statutes Annotated: Public Employee Relations Act: § 423.201 through 423.216 CB K-12 | P-C PS Omnibus	Employees of state and its political subdivisions. Includes K-12 professional and classified; postsecondary professional and classified	Determination of appropriate unit by PERC. Exclusive representation. Service fees permitted	No specific provisions. Supervisors do bargain as a result of court decision	Michigan Employment Relations Commission: 3 members appointed by governor, confirmed by senate	Wages, hours and other terms and conditions of employment
MINNESOTA Statutes Annotated: Public Employment Labor Relations Act: § 179.61 through 179.77 CB K-12 | P-C CC PS Omnibus	Employees of state and its political subdivisions, except elected, national guard, emergency, part-time, temporary, charitable hospital	Appropriate units. Exclusive representation. Dues checkoff. Service fees permitted. Areawide negotiations encouraged	Supervisors, defined in act and/or determined by PERB, may bargain in separate units as "essential employees;" "supervisory, confidential, principals, assistant principals may form own organizations." Management may not bargain	Public Employment Relations Board: 5 members appointed by governor; 1 at large, 2 employer, 2 employee	Terms and conditions of employment; defined as hours, compensation, fringe benefits (retirement excluded), personnel policies affecting working conditions, grievance procedures. Education policies excluded. Teachers, as professional employees, must meet and confer on "services being provided to the public" that are not specified above. Strong management rights
MISSISSIPPI					
MISSOURI Vernon's Annotated Statutes: Public Employee Law: § 105.500 through 105.540 MC K-12 | C PS Omnibus	Employees of state and its political subdivisions, except police, sheriffs, highway patrol, national guard, K-12 and postsecondary teachers. Includes K-12 and postsecondary classified personnel	Appropriate unit; community of interest. State Board of Mediation to resolve unit disputes. Exclusive representation. No union security	No specific provisions	Public employer	Proposals relative to salaries and other conditions of employment

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation and fact-finding; nonbinding recommendations via PERC	May be bargained. Mediation via PERC	Standard provisions for unfair practices. Strikes prohibited; discipline, dismissal for violation. Court review	At request of either party, closed meetings may be held for "strategy and negotiations sessions"	Written contract. No deadline specified	
Mediation; binding arbitration by PERB at request of either party	Must be bargained, must provide for compulsory binding arbitration. PERB available, independent review	Extensive provisions for unfair practices. Strikes prohibited, pay loss, dismissal for violation. Probationary reemployment permitted. Court review	All negotiations, mediation sessions and hearings shall be public meetings except when otherwise provided by PERB director	Written contract not to exceed 2 years, for school boards; and 3 years for others; 90 days prior to budget submission date	Bargained contracts must be consistent with statutes, rules, regulations, charters, ordinances, resolutions State-level bargained contracts for wages and fringes are subject to legislature's approval
			Closed sessions may be held by majority vote of body		State has no public employee collective bargaining legislation
No specific provisions	No specific provisions	Standard provisions for unfair practices. Strikes prohibited; no penalties specified	Open meeting law does not exempt bargaining sessions from open requirement	Written agreement. No deadline specified	Teachers and boards of education may consult and negotiate nonbinding (on school boards) agreements: state supreme court ruling, February 1974. Teacher organization not defined as labor organization Negotiated agreements of classified employees must be approved by appropriate legislative, governing or administrative body A meet and confer law

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
MONTANA Public Employee Law: HB 461, 1975; § 59-1601 through 1618 CB K-12 | P-C PS CC Omnibus	Public employees, excluding elected, appointed, supervisory, management, school district clerks, school administrators, nurses, engineers. Includes K-12, post-secondary and community college personnel at professional and classified levels with stated exceptions	Board of Personnel Appeals decides unit. Exclusive representation. Dues checkoff, service fees permitted	Supervisory and management personnel may not bargain	Board of Personnel Appeals: 5 members; 2 management, 2 labor, 1 public appointed by governor	Wages, hours, fringe benefits, other conditions of employment. Extensive management rights listed
NEBRASKA Revised Statutes: Public and Utility Employees Act: § 48-801 through 48-838 CB PS | P-C K-12 (Selected) Omnibus	Employees of state and its political subdivisions except national guard, state militia, municipal corporation; includes public utilities. Includes post-secondary professional and classified; K-12 professional and classified in class I, II and VI school districts	Appropriate units; community of interest determined by SCIR. Exclusive representation. No union security	No specific provisions	State Court of Industrial Relations; 5 judges appointed by governor, with advice and consent of legislature	Terms and conditions of employment, including wages and hours
NEBRASKA Revised Statutes: Teachers Professional Negotiations Act: § 79-1287 through 79-1295 MC K-12 | P Local Level	Certificated employees in Class III, IV, V school districts. K-12 level	Unit not specified. Exclusive representation. No union security	No specific provisions	Local school board	Employment relations and mutually agreed-to matters

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation, fact-finding through BPA. Binding arbitration by agreement of both parties	May be bargained; may provide for final and binding arbitration	Standard provisions for unfair practices. No specific provisions for strikes	Open meeting law does not exempt bargaining sessions from open require-Closed meetings for personnel matters	Written contract. No deadline specified	Postsecondary students may meet and confer with both parties prior to negotiations, observe negotiations, caucus with management, advise management prior to written contract; confidentiality required Act does not limit appropriations authority of legislature, governing body, political subdivision Supreme court in November 1974 ruled that public employee strikes are not prohibited; therefore they are permitted State also has separate nurse-bargaining law (Ch. 320, L. 1969) and grievance procedures for public and highway employees
Mediation, fact-finding. Binding arbitration by SCIR	Must be bargained. Arbitration available from SCIR	No specific provisions for unfair practices. Strikes and lockouts are prohibited. Misdemeanor penalty	Closed meetings may be held for strategy sessions. Final action in open meeting	Written agreement not to exceed 3 years. No deadline date specified	State employee agreements must coincide with biennial budget period, must be approved by legislature
Fact-finding board and nonbinding recommendations. Court of Industrial Relations assumes jurisdiction after procedures of this act have been exhausted	No specific provisions. Court of Industrial Relations available	No specific provisions	Closed meetings may be held for strategy sessions. Final action in open meeting	Written agreement. No deadline specified	A meet and confer law

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
NEVADA Revised Statutes: Local Government Employee Management Relations Act: § 288-010 through 288-280 CB K-12 | P-C Local Level	Employees of political subdivisions of state or any public or quasi-public corporation, except top management, confidential. Includes K-12 professional and classified	Appropriate units; community of interest. Separate units for administrators, supervisors. Exclusive representation. Dues checkoff permitted	Principals, assistant principals, other administrators below superintendent (including associate, assistant), must bargain in separate unit; may combine with teachers if district has fewer than 5 principals. Department heads; administrative or supervisory employees may not be in same unit as supervised employees	Local Government Employee Management Relations Board: 3 members appointed by governor. 10-member advisory committee: 5 employer, 5 employee appointed by governor	Wages, hours and other terms and conditions of employment. Mandatory scope limited to: (a) salary/wages; (b) sick leave; (c) vacations; (d) holidays; (e) other leaves; (f) insurance; (g) hours; (h) days; (i) discharge and discipline; (j) recognition clause; (k) employee classification; (l) dues checkoff; (m) protection from discrimination; (n) no-strike provisions; (o) grievance/arbitration procedures; (p) general savings clauses; (q) duration of agreements; (r) safety; (s) teacher preparation time; (t) reduction in work force. Extensive management rights.
NEW HAMPSHIRE State Employee Bargaining Rights: Ch. 273-A CB K-12 | P-C PS Omnibus	Employees of state and its political subdivisions and quasi-public corporations; except elected, appointed, confidential, probationary, temporary, seasonal. Includes K-12 and postsecondary professional and classified	Community of interest; determined by PELRB. Units must represent at least 10 employees. Separate units for professional and nonprofessional employees may be combined by vote of both units. Supervisors may not be in unit with employees supervised. If employer approves, units may combine for bargaining. Exclusive representation. No union security	Supervisors (not defined) may bargain	Public Employee Labor Relations Board: 5 members appointed by governor; 2 labor, 2 management, 1 public	Wages, hours and other conditions of employment. Management rights defined; merit system protected
NEW JERSEY Statutes Annotated: Employer-Employee Relations Act: § 34:13A-1 through 34:13A-13 CB K-12 | P-C PS CC Omnibus	Employees of state and its political subdivisions, except elected, board and commission members, managerial, confidential. Includes K-12 and postsecondary levels; professional and classified	Appropriate units. Community of interest. Separate units for supervisors and nonsupervisors. Exclusive representation. No union security	In school districts, managerial exclusions are limited to superintendents, other chief administrators, assistant superintendents	Within Division of Public Employment Relations is Public Employment Relations Commission: 7 members; 2 employer, 2 employee, 3 public appointed by governor	Grievance procedures and terms and conditions of employment

Bargaining Impasse Procedures	Grievance Procedure	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation; labor commissioner may appoint. Fact-finding; American Arbitration Association may assist. Final and binding fact-finding recommendations by agreement of both parties, or on order of governor within 10 days of legislature's adjournment. Deadline dates for agreement prescribe alternate procedures	May be bargained if related to interpretation of agreement. Appeals and disputes to LGMPB. Court review available	Standard provisions for unfair practices. Strikes prohibited; no strike pledge required for recognition. Fines, salary loss, dismissal for violation; injunctive relief	Closed meetings may be held for negotiations, informal discussions, mediation, fact-finding discussions between governing body and management representatives	Written contract at request of either party	State supreme court ruled in December 1974 that district must negotiate (1) classroom preparation time; (2) class size; (3) professional improvement; (4) student discipline; (5) school calender; (6) instruction supplies; (7) teacher performance and load; (8) differentiated staffing If negotiation has begun, teachers must notify school board of intention to accept reemployment by April 10: Ch. 13, L. 1971
Mediation; fact-finding with non-binding recommendations; renegotiation. Alternate lawful procedures may be bargained. PERLB available	Must be bargained	Standard provisions for unfair practices. Strikes and lockouts prohibited; injunctive relief, court review	Closed sessions may be held for bargaining, but final action must be in public meeting	Written contract by budget submission date	Cost items must be submitted to appropriate legislative body for approval; if rejected or modified, renegotiation permitted
Mediation, fact-finding. Arbitration by mutual agreement	Must be bargained; may provide binding arbitration	Standard provisions for unfair practices; No specific provisions for public employee strikes	Closed meetings may be held for "discussion" of any collective bargaining agreement, proposed terms and conditions, negotiation of terms and conditions and personnel matters	Written contracts. Deadline date regulated by PERC	State also has fire and police arbitration act: Ch. 85, L. 1977 State supreme court in May 1974 ruled agency shop in public employment illegal Private employees may strike: § 34:13A-8; State supreme court rejected argument that legislative history implies strike rights for public employees, in February 1974 Provisions of act may not annul or modify state pension statutes

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
NEW MEXICO					
NEW YORK McKinney's Consolidated Laws Annotated: Taylor Act: Secs. 200-214, Civil Service Law CB K-12 | P-C PS Omnibus	Employees of state and its political subdivisions, except appointed, militia, managerial, confidential. Includes K-12 and postsecondary levels; professional and classified	Appropriate units. Community of interest. Dues checkoff, service fees permitted	Principals and other school administrators who do not formulate policy or have significant roles in employee relations may bargain	Public Employment Relations Board: 3 members appointed by governor with advice and consent of senate	Wages, hours and other terms and conditions of employment, defined as: salaries/wages; hours, agency shop fee and other terms and conditions of employment. Prohibited are agency shop fees for state employees and retirement benefits. Grievance procedures
NORTH CAROLINA General Statutes					
NORTH DAKOTA Century Code: § 15-31-1.01 through 15-39-1.15 CB K-12 | P Local Level	All classroom teachers and administrators employed by a public school system. K-12 level	Separate appropriate units for teachers and administrators. Exclusive representation. No union security	Administrators, defined as "all public school employees employed primarily for administration," may bargain in separate units	Education Fact-Finding Commission: 3 members; 1 appointed by state education superintendent; 1 by governor, 1 by attorney general	Terms and conditions of employment; employer-employee relations, salaries, hours. Extensive management rights listed

Bargaining Impasse Procedure	Grievance Procedure	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
			Open meeting law does not exempt bargaining sessions from open requirement. Personnel matters may be discussed in closed meetings		State has no public employee bargaining legislation, but state personnel board has issued labor-management relations regulations for state classified employees
May be bargained; may provide binding arbitration. PERB available; procedures include mediation, fact-finding with recommendations submitted to appropriate legislative body for necessary action to reach agreement	Must be bargained	Standard provisions for unfair practices. Strikes prohibited, probation, 2-for-1 salary loss for violation. No strike pledge required for recognition. Injunctive relief	Open meetings are not required for bargaining	Written contract not to exceed 3 years. No deadline date specified	Ch. 188, L. 1970 states legislative intent that "terms and conditions of employment" does not include upgrading of civil service positions State appeals court decisions, July 1974, states that class size is not a "term and condition" of employment. Bargained agreements requiring legislative action to permit implementation or additional funds must be approved by appropriate legislative body Local governments may adopt specified "substantially equivalent procedures" for specified parts of Act Separate provisions are established for N.Y.C. and NY-NJ Port Authority
			Closed meetings may be held for "negotiations between public employers and their employees or representatives thereof as to employment"		State has no public employee collective bargaining legislation NCGS: § 95-98 through 95-98 barring public employee membership in national labor organizations was declared unconstitutional by U.S. District Court in 1970; section forbidding state contracts with unions was upheld
Mediation, fact-finding with non-binding recommendations via Education Fact-Finding Commission. Parties may agree to own procedures	Must be bargained; may provide for binding arbitration	Standard provisions for unfair practices. Strikes prohibited; salary loss for violation	Constitution requires all meetings to be open unless otherwise provided by law	Written contract. No deadline specified	State also has public employee law dealing with mediation of disputes. NDCC: § 31-11-01 through 31-11-06.

State and Statutory Reference; Identification	Coverage; Employees Excluded; Law	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
OHIO					
OKLAHOMA Statutes Annotated: § 509.1 through 509.10 CB K-12 | P-C Local Level	All employees in district. Includes K-12; professional and classified	Separate units for certified teachers and nonprofessionals. Exclusive representation. Dues checkoff permitted	Professional educators defined; principals may bargain as separate unit; HB 1170 of 1978	Local boards of education	Terms and conditions of employment; items affecting the performance of professional services
OREGON Revised Statutes: Public Employee Law: § 243.711 through 243.795 CB K-12 | P-C PS Omnibus	Employees of state and its political subdivisions, except elected, appointed, confidential, supervisory. Includes K-12 and postsecondary; professional and classified	No specific provisions for unit. Exclusive representation. Dues checkoff, service fees, union or agency shop permitted	Supervisors as defined may not bargain	Public Employee Relations Board: 5 members appointed by governor	Employment relations, including matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment
PENNSYLVANIA Purdon's Statutes Annotated: Public Employee Relations Act: Tit. 43, § 1101.101 through 1101.2301 CB K-12 | P-C PS Omnibus	Employees of state and its political subdivisions plus entities receiving public funds, except elected, appointed, management, confidential, religious organization, police, fire. Includes K-12 and postsecondary professional and classified	Appropriate units: community of interest. Separate units for professional and nonprofessionals; may be combined by vote of both. Separate units for first-level supervisors. Exclusive representation. Dues checkoff. Union shop permitted	Management, defined as all employees above the first level of supervision, may not bargain. Separate units for first-level supervisors, who may bargain	Labor Relations Board: 3 members appointed by governor	Wages, hours and other terms and conditions of employment. Extensive management rights listed

Bargaining Impasse Procedure	Grievance Procedure	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
			Closed meetings may be held for bargaining		State has no public employee collective bargaining legislation Public employee strikes are prohibited by Pennsylvania Act: § 4117-01-4117.06. Strikers are automatically fired; may be re-employed conditionally
Must be bargained; final impasse procedure is 3-member fact-finding process	No specific provisions	Discrimination against employees exercising rights is unfair practice. Strikes prohibited; salary loss, loss of unit recognition for violation	Open meeting law does not exempt bargaining sessions from open requirement	No specific provisions	State has firemen, policemen and municipal employee collective bargaining: ORA: § 648.1 through 648.14
May be bargained; may include final and binding arbitration. Mediation, fact-finding through PERB	May be bargained; may include final and binding arbitration	Standard provisions for unfair practices. Strikes by members of recognized units are permitted if contract does not include binding arbitration of disputes; if not endangering public well-being; and after exhaustion of specific procedures. Enjoined strikes must be submitted to binding arbitration	Closed meetings may be held for "deliberations concerning the authority of persons designated by the governing body to carry on labor negotiations" and "if either side requests closed meetings." Final action at public meeting	Written contract if requested by either party, to coincide with budget-making date	Portland and Eugene have developed labor relations ordinances substantially equivalent to state law "Joint" bargaining required "whenever two or more organizations are certified to represent state employees in like classifications" if subject of bargaining more than 1 agency, institution, etc., of state Postsecondary students may meet and confer with both parties; attend and observe all bargaining sessions; have access to documents; comment in good faith; confidentiality required.
Mediation, with Pennsylvania Bureau of Mediation available; fact-finding per PLRB; voluntary binding arbitration with decisions requiring legislation advisory only	Must be bargained; must provide binding arbitration	Standard provisions for unfair practices. Strikes permitted if not endangering public well-being; after exhaustion of specific procedures. Injunctive relief; court review. Suspension, demotion, dismissal, salary loss, fine, imprisonment for violation of court order	Closed meetings may be held for "considering actions of the deliberating body with respect to labor negotiations." Final action at public meeting	Written contract by budget submission date	State has separate collective bargaining laws for (1) police and firemen: SB 1343 L 1968; and (2) municipal transit employees; Act 238 L 1967 State employees to bargain on statewide basis unless circumstances are impractical for such. Multi-unit bargaining not prohibited. Provisions of contract requiring legislation not effective until legislation enacted Nonstriking employees may not refuse to cross picket line; refusal constitutes participation in strike

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State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
RHODE ISLAND General Laws: School Teachers Arbitration Act: § 28-9.3-1 through 28-9.3-16 CB: K-12 | P State Level	Certified personnel engaged in teaching duties in any public school system of state. Excludes superintendents, assistant superintendents, principals, assistant principals. K-12 professionals	All covered employees. Exclusive representation. Service fees mandatory	Superintendents, assistant superintendents, principals, assistant principals may not bargain	State Labor Relations Board: 3 members appointed by governor; 1 management, 1 labor, 1 public	Hours, salary, working conditions and all other terms and conditions of professional employment
RHODE ISLAND General Laws: State Employees: § 36-11-1 through 36-11-12 CB: PS | P-C State Level	All state employees, including postsecondary level; professional and classified	All covered employees. Exclusive representation. Service fees mandatory	No specific provisions	State Labor Relations Board: 3 members appointed by governor; 1 management, 1 labor, 1 public	Wages, hours, working conditions
RHODE ISLAND General Laws: Municipal Employees Arbitration Act: § 28-9.4-1 through 28-9.4-19 CB: K-12 | C Local Level	Employees of any political subdivision of the state except elected administrative, appointed, supervisors, part-time, those covered by other laws. Includes K-12 classified	All covered employees. Exclusive representation. No union security	Administrative officials and supervisors may not bargain	State Labor Relations Board: 3 members appointed by governor; 1 management, 1 labor, 1 public	Hours, salary, working conditions, all other terms and conditions of employment
SOUTH CAROLINA					

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Fixed Terms; Deadline Dates for Completed Agreements	Comments
Mediation and conciliation services through state education agency or director of labor. Arbitration on request; binding on non-fund items only	No specific provisions	Strikes prohibited	Closed meetings may be held for "sessions pertaining to collective bargaining or litigation or work sessions"	Written contract not to exceed 3 years. No deadline specified	In January 1973, the state supreme court ruled teacher strikes illegal and subject to injunction Decision also eliminated ex parte injunction State supreme court in November 1972 ruled that service fees may be permissive
Mediation, fact-finding, binding arbitration on "all issues and matters other than . . . wages." through 23-49	No specific provisions	No specific provisions for unfair practices. Strikes prohibited; no penalties specified	Closed meetings may be held for "sessions pertaining to collective bargaining or litigation or work sessions"	Written contract. No deadline specified	State has fireman collective bargaining law. § 28-9. 1-2 through 28-9.1-14 and policeman collective bargaining law: § 28-9.2-2 through 28-9.2-14
Mediation, conciliation, binding arbitration on nonfund matters. State director of labor available	State director of labor available for conciliation of grievances. Arbitration permitted	No specific provisions for unfair practices. Strikes prohibited; no penalties specified	Closed meetings may be held for "sessions pertaining to collective bargaining or litigation or work sessions"	Written contract not to exceed 3 years. No deadline specified	
			Closed meetings may be held for personnel matters. Bargaining not addressed		State has no public employee collective bargaining legislation State Uniform Arbitration Act enacted: S 464 of 1979

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State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
SOUTH DAKOTA Compiled Laws: Public Employee Negotiation Law: § 3-18-1 through 3-18-17 CB K-12 | P-C PS Omnibus	Employers of state and its political subdivisions, except elected, appointed, administrators, chief executive officers, deputies, first assistants, supervisors, part-time, temporary, national guard and court employees. Includes K-12 and postsecondary and classified	Appropriate units. Exclusive representation. No union security	School administrators are not among exceptions to coverage in law. They may bargain	Commissioner of Labor and Management Relations; Department of Manpower Affairs	Rates of pay, wages, hours of employment or other conditions of employment
TENNESSEE Education Professional Negotiations Act SB 2016, Ch. 570, 1978 CB K-12 | P Local Level	Professional (certified) public school personnel. K-12 professional level	Units of professional personnel. Exclusive representation. No union security	"Management personnel" means those professional employees certified by the board of education to represent it in negotiations. May remain members of unit, but not for negotiations	Local board of education	Conditions of employment, defined as: (1) salaries or wages; (2) grievance procedures; (3) insurance; (4) fringes, not including retirement; (5) working conditions; (6) leave; (7) student discipline; (8) payroll deductions

Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation with Commissioner of Labor and Management Relations available; other procedures optional	Employer to establish grievance procedures; binding decision by Commissioner if no local solution	Standard provisions for unfair practices. Strikes prohibited; fines, imprisonment, injunctive relief, court review	Closed meetings may be held for "the purpose of considering student, employee and personnel matters." Official action at open meeting	Written contract. No deadline specified	Agreements must be submitted to appropriate legislative body, governing body or officer for approval and necessary implementation. State has fire and police bargaining law: § 9-143-1 through 9-144-22. Attorney general's opinion, March 1972, held that "other conditions of employment are those which materially affect rates of pay, wages, hours of employment and working conditions." State supreme court ruled in March 1974 that bargaining is not required on elementary conferences, teachers aides, class size, audio-visual expansion, schoolwide guidance and counseling, mandatory administrator retirement, elementary planning period, or budget allowances
Mediation, fact-finding, advisory arbitration. Federal Mediation and Conciliation Service, American Arbitration Association may be used	Must be bargained. May include binding arbitration	Standard provisions for unfair practices, strikes prohibited; injunctive relief. Dismissal, loss of tenure for violation	Open meeting law does not exempt bargaining sessions	Written contract. No deadline specified	Fund items in bargained contract subject to appropriation. If appropriation inadequate, renegotiation prescribed. Contracts may not supersede law, rules State has public transit bargaining law: Ch. 160, L 1971

State and Statutory Reference Identification	Coverage: Employee Organization Classification: Level	Bargaining Unit; Type of Representation; Union Security	Impasse Procedures: Mediation, Fact-finding, Arbitration	Administration	Scope of Bargaining: Management Rights
TEXAS Vernon's Codes Annotated					
UTAH					
VERMONT Statutes Annotated, Labor Relations Act for Teachers: Tit. 16, § 1981 through 3010. SIC N-12 | P Local Level	Certificated employees of school boards or directors of school district or its equivalent in quasi-public or private elementary/secondary school that "directly or indirectly receives support from public funds"	Separate units for teachers and administrators. Exclusive representation. No union security	Principals, assistant principals and administrators other than superintendents and assistant superintendents may bargain in separate units	No specific provisions	Salaries, related economic conditions of employment, grievance procedures, other mutually agreed items not in conflict with statutes. Extensive management rights

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
			Closed meetings may be held for "consultation with representatives of employee groups." Final action at open meeting		Board of trustees and administrative personnel of school districts may consult with teachers on matters of education policy and conditions of employment. VTCA § 13.901. In May 1987 (#M-77) attorney general ruled that public employees have the right to present grievances concerning wages, hours of working conditions through a union not claiming the right to collective bargaining or strikes VTCA § 22.279 forbids public employee collective bargaining contracts or strikes State has Fire and Police Employee Relations Act permitting collective bargaining in local jurisdictions only after petition and public referendum: HB 155 of 1973 A 1975 attorney general's opinion states that employers are obligated to hear grievances, but not to bargain
			All meetings must be open except for those identified as executive sessions		State has Firefighters law: SB 190 of 1975 Right-to-work law allows organization but not negotiation
Mediation, fact-finding, nonbinding recommendations. American Arbitration Association may assist. Employer decision final	Must be bargained	No specific provisions for unfair practices. Actions posing "clear and present danger to sound program of school education" prohibited; injunctive relief	Closed meetings may be held for bargaining sessions. Final action in public meeting. Records may be closed if they relate "specifically to negotiation of contracts including but not limited to collective bargaining agreements with public employees"	Written agreement. No deadline specified	A meet and confer law. Although the word "strike" is not used anywhere in the act, court interpretation of "actions posing clear and present danger . . ." could include — or not include — strikes, on a case-by-case basis

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
VERMONT Ch. 27, L 1969: State Employee Labor Relations Act. CB K-12 | P-C PS Coverage is selective; all state university personnel excluded State Level	State employees including: certified primary and secondary teachers at state hospital, state training school for retarded, state juvenile correctional institution; faculty and nonfaculty at state colleges; state police, permanent part-time. Excluding: certain exempt personnel, administrative, management, confidential, legislative branch, judicial branch, certain other. Excluding: all personnel at state university	Appropriate unit determined by Employee Labor Relations Board. Exclusive representation. No union security	Supervisors, as defined, may bargain in separate units	State Labor Relations Board: 3 members appointed by governor with advice and consent of senate	All matters relating to relationship between employer and employees except those prescribed or controlled by statute, including but not limited to: (1) wages, salaries, benefits, expenses; (2) hours; (3) working conditions; (4) overtime compensation; (5) leave compensation; (6) reduction-in-force; (7) grievance procedures; (8) insurance; (9) certain personnel rules. Merit system and personnel laws protected; other management rights
VERMONT Statutes Annotated: Municipal Employee Relations Act: § 21-1721 through 21-1734 CB K-12 | C Local Level	Employees of political subdivisions of state, except elected, supervisors, confidential, certified, part-time. Includes K-12 classified	Separate units for professional and nonprofessional. Exclusive representation. Dues checkoff, service fees permitted	Supervisors may not bargain	State Labor Relations Board: 3 members appointed by governor with advice and consent of senate	Wages, hours and other conditions of employment, defined as those conditions "directly affecting the economic circumstances, health, safety or convenience of employees," excluding managerial prerogatives.
VIRGINIA					
WASHINGTON Revised Code Annotated: Educational Employment Relations Act: § 41.1-20, 41.23-25 CB K-12 | P Local Level	Certificated employees of school districts, except chief executive officers, superintendents, deputy superintendents, administrative assistants to superintendents, assistant superintendents, business managers, confidential. Includes K-12 professionals	All covered employees. Units may contain varied combinations of supervisors and nonsupervisors by majority vote of both. Nonsupervisor units must include all such. Exclusive representation. Dues checkoff, service fees permitted	Principals and supervisory levels below principals may bargain in separate units, or combined by mutual consent	Public Employment Relations Commission: 3 members appointed by governor	Wages, hours, terms and conditions of employment. Prior law not to affect scope. Supervisor only units limited to compensation, hours, number of workdays, PERC decides scope disputes
WASHINGTON Revised Code Annotated: Community College Negotiations Act: § 288.52.010 through 288.52.100 CB CC | P Community College	Academic employees of community college districts, defined as teachers, counselors, librarians, department heads, administrators, except chief administrator	All covered employees. Administrators may be included in academic unit by election. No specific provisions for union security	Administrators, except chief administrators, may bargain in separate unit or with academic unit by mutual consent	Public Employment Relations Commission: 3 members appointed by governor	Curriculum, textbooks, inservice training, student teaching, personnel hiring and assignment practices, leaves of absence, salaries, noninstructional duties

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation, fact-finding through SLRB. Last best offers to legislature for decision	May be bargained. Rules and final determination by SLRB court review	Standard provisions for unfair practices; implied discipline. Strikes prohibited; listed as unfair practice; implied discipline. Teachers considered municipal employees for enforcement of sections dealing with unfair labor practices. See Municipal Employee Relations Act below	Closed meetings may be held for bargaining sessions. Final action in public meeting Records may be closed if they relate "specifically to negotiation of contracts including but not limited to collective bargaining agreements with public employees"	Written agreements not to exceed 2 years (except for state colleges)	Agreements may not conflict with statutes Agreements requiring appropriations must be submitted to governor, who must request funds from legislature. If insufficient funds are appropriated, renegotiation prescribed
Mediation, fact-finding, advisory recommendations; voluntary binding arbitration	May be bargained. Binding arbitration of contract interpretation grievances may be included. Voluntary binding arbitration of tenure grievances must be only procedure for such; supersedes state law. Court review	Standard provisions for unfair practices. Strikes permitted only: 30 days after fact-finding, after binding arbitration award, and if no danger to public well-being. Injunctive relief	Closed meetings may be held for bargaining sessions. Final action in public meeting Records may be closed if they relate "specifically to negotiation of contracts including but not limited to collective bargaining agreements with public employees"	Written contract. No deadline specified	Contracts must not violate state law. Contracts that violate ordinance, by-law, rule or regulation must be approved by appropriate legislative body. Voluntary binding arbitration awards in tenure grievances may supersede state law
			Closed meetings allowed for executive sessions concerning personnel and litigation		State has no public employee collective bargaining legislation State supreme court ruled in January 1977 that public employees may not bargain with entities
Mediation, fact-finding advisory recommendations through PERC	PERC available. Binding arbitration permitted on disputed interpretation of agreement	Standard provisions for unfair practices. Injunctive relief. No specific provisions for strikes	Closed meetings may be held for "certain casual bargaining, grievance or mediation procedures"	Written contract if requested by either party. No deadline specified	Act supersedes existing statutes where conflict exists. Contracts prevail over existing rules and regulations.
Mediation, fact-finding, advisory recommendations through PERC	No specific provisions	No discrimination because of exercise of rights. No specific provisions for strikes	Closed meetings may be held for "certain casual bargaining, grievance or mediation procedure"	Written contract not to exceed 3 years. No deadline specified	Contract is not binding on future actions of legislature

State and Statutory Reference; Identification	Coverage: Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
WASHINGTON Revised Code Annotated: Public Employee Collective Bargaining Act: § 41.56.010 through 41.56.950 CB K-12 | C Local Level	Employees of counties, municipal corporations, political subdivisions, except those covered by other bargaining laws, elected, appointed, confidential. Includes K-12 classified personnel	Appropriate units. Exclusive representation. Dues checkoff, service fees permitted. Union security provisions prevail over charter, ordinance, rule or regulation	No specific provisions	Public Employment Relations Commission: 3 members appointed by governor	Grievance procedures, wages, hours, working conditions. Excludes matters delegated to other authority by ordinance resolution of charter
WASHINGTON Revised Code Annotated: § 288.16.010 through 288.16.230 CB PS | C CC State Level	State classified employees including postsecondary	Appropriate units. Exclusive representation. Dues checkoff, service fees permitted	No specific provisions	State higher education personnel board: 3 members appointed by governor, confirmed by senate	Grievance procedures and all personnel matters over which institutions or related boards may lawfully exercise discretion
WEST VIRGINIA					
WISCONSIN Statutes Annotated: Municipal Employee Relations Act: § 111.70 through 111.71 CB K-12 | P-C Local Level	Employees of political subdivisions of state except independent contractors, supervisors, confidential, managerial or executive. Includes K-12 professional and classified	Appropriate units. Professionals and nonprofessionals in separate units; may be combined by mutual consent. Exclusive representation. Dues checkoff, service fees permitted	Managers and supervisors, as defined, may not bargain	State Employment Relations Commission: 3 members appointed by governor	Wages, hours and conditions of employment. Extensive management rights listed
WISCONSIN Statutes Annotated: State Employment Labor Relations Act: § 111.80 through 111.97 CB CC | P-C PS | C State Level	Employees in classified* service of state. Excludes 4-year postsecondary teachers. Includes 2-year postsecondary teachers; all postsecondary classified. Managerial, confidential, supervisors excluded conditionally *See glossary	Statewide units for: (1) clerical; (2) blue collar; (3) building; (4) security; (5) technical; (6) professional; (7) fiscal and staff; (8) research; (9) legal; (10) patient treatment; (11) patient care; (12) social services; (13) education; (14) engineering; (15) science. Exclusive representation. Dues checkoff, service fees permitted	Professional and nonprofessional supervisors may petition for statewide separate units; bargaining scope limited to wages and fringe benefits	State Employment Relations Commission: 3 members appointed by governor	Wages, employee classification, fringes, hours and conditions of employment. Extensive management rights listed. Management may not bargain (1) insurance and retirement; (2) statutory missions and goals; (3) merit system; (4) job evaluation

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
Mediation, fact-finding, advisory recommendations through PERC. Binding arbitration for uniformed personnel	Must be bargained. May provide binding arbitration on disputed interpretation of agreement	Standard provisions for unfair practices; injunctive relief. Strikes prohibited, no penalties specified	Closed meetings may be held for "certain casual bargaining, grievance or mediation procedure"	Written contract not to exceed 3 years. No deadline specified	State also has Port District Employee Act: SB 34, L 1967
No specific provisions	May be bargained	Standard provisions for unfair practices; injunctive relief. Strikes prohibited, no penalties specified	Closed meetings may be held for "certain casual bargaining, grievance or mediation procedure"	Written agreement. No deadline specified	Fund matters subject to approval of chief financial officer
			Closed meetings may be held for personnel matters. Bargaining not addressed		State has no public employee collective bargaining legislation
May be bargained. SERC available for mediation — arbitration. If both last best offers in mandatory subjects of bargaining are withdrawn before final arbitration, union may strike. If not, final arbitration is required	May be bargained	Standard provisions for unfair practices. Strikes permitted after exhaustion of specified procedures. Fines, salary loss, injunctive relief for illegal strikes or those affecting public well-being followed by final arbitration	Presentation of initial proposals at open meeting. Closed meetings may be held during bargaining process. Final action at open meeting	Written and signed document. No deadline specified	State has policeman and fireman collective bargaining: WBA § 111.77 State supreme court ruled in June 1976 that mandatory subjects of bargaining include: (1) teacher participation in evaluation procedures; (2) scope of teacher evaluation and employment records; (3) teacher access to such files and records; (4) "just cause" standards for contract nonrenewal; (5) reduction-in-force procedures; (6) problem students/ teacher safety; (7) school calender and inservice training days; (8) impact of class size
Mediation, fact-finding. Employment Relations Commission available	Must be bargained. Mediation, fact-finding, arbitration through SERC	Standard provisions for unfair practices; no specific penalties. Strikes prohibited; fines, suspension, lawsuit for violation	Presentation of initial proposals at open meetings. Closed meetings may be held during bargaining process. Final action at open meeting	Written and signed document. No deadline specified	Tentative agreements must be submitted to Employment Relations Commission and Legislature for approval, implementation on cost or statutory matters. If rejected, renegotiation required

State and Statutory Reference; Identification	Coverage; Employee Classification; Level	Bargaining Unit; Type of Representation; Union Security	Middle-Management Provisions	Administration	Scope of Bargaining; Management Rights
WYOMING					

DISTRICT OF COLUMBIA	Public employees have bargaining rights by executive order of the Commissioner of D.C.
GUAM	A 1988 public employee collective negotiations statute covers all classified and professional employees of the University of Guam and all other territorial public employees. The scope of bargaining covers only terms and conditions of employment
VIRGIN ISLANDS	Public employees have right to organize, join, meet and confer by executive order of governor.

Bargaining Impasse Procedure	Grievance Procedure	Unfair Practices; Penalties; Strikes	Open Meeting Provisions	Final Form; Deadline Dates for Completed Agreements	Comments
			Closed meetings may be held "to consider/ accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all such negotiations"		State has Sunshine law: § 27-265 through § 27-275

Appendix A

Examples of Provisions in State Public Employee Collective Bargaining Laws

Example of Statement of Intent or Declaration of Policy

ALASKA Statutes Public Employment Relations Act: § 23.40.070

Declaration of Policy. The legislature finds that joint decision making is the modern way of administering government. If public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective. The legislature further finds that the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work, to provide a rational method for dealing with disputes and work stoppages, to strengthen the merit principle where civil service is in effect and to maintain a favorable political and social environment. The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by

(1) recognizing the right of public employees to organize for the purpose of collective bargaining;

(2) requiring public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment;

(3) maintaining merit system principles among public employees.

Examples of Selected Definitions of Terms Used in Coverage; Employee Classification; Level

PENNSYLVANIA Purdon's Statutes Annotated Public Employee Relations Act: Tit. 43, § 301(13) Selected Examples of Definitions

"Confidential employee" shall mean any employee who works: (i) in the personnel offices of a public employer and has access to information subject to use by the public employer in collective bargaining; or (ii) in a close continuing relationship with public officers or representatives associated with collective bargaining on behalf of the employer.

NEW JERSEY Statutes Annotated Employer-Employee Relations Act: § 34:13A-3(f)

"Managerial executives" of a public employer means persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that in any school district this term shall include only the superintendent or other chief administrator, and the assistant superintendent of the district.

HAWAII Statutes Public Employees Act: § 89-2(15)

"Professional employee" includes (A) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, (ii) involving the consistent exercise of discretion and judgment in its performance, (iii) of such a character that the ouput produced or the result accomplished cannot be standardized in relation to a given period of time, (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized, intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or (B) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (A) (iv), and (ii) is performing related work under the supervision of a professional employee as defined in (A).

INDIANA Statutes Public Employee Labor Relations: Ch. 4, IC 22-6 Sec. 1(j)

"Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Example of Unit Recognition Procedures

MINNESOTA Statutes Annotated; Public Employment Labor Relations Act: Sec. 179.67

Exclusive representation; elections; decertifications - - (1). Any employee organization holding formal recognition by order of the director or by employer voluntary recognition on the effective date of Extra Session Laws 1971, Ch. 33 under any law that is repealed by Extra Session Laws 1971, Ch. 33 is hereby certified as the exclusive representative until such time as it is decertified or another representative is certified in its place pursuant to Extra Session Laws 1971, Ch. 33. Any teacher organization as defined by Sec. 125.20. subdivision 3 who on the effective date of Extra Session Laws 1971, Ch. 33 has a majority of its members on a teacher's council in a school district as provided in Sec. 125.22 is hereby certified as the exclusive representative of all teachers of that school district until such time as the organization is decertified or another organization is certified in its place pursuant to Secs. 179.61 to 179.77.

(2). An employee organization may be certified as the exclusive representative of public employees in an appropriate unit upon complying with and qualifying under the provisions of this section.

(3). The director may certify an employee organization as an exclusive representative in an appropriate unit upon the joint request of the employer and the organization if, after investi-

gation, he finds that no unfair labor practice was committed in initiating and submitting the joint request and that the employee organization does in fact represent over 50 percent of the employees in the appropriate unit. The provisions of this subdivision shall not in any case reduce the time period or nullify any bar to the employee organization's certification existing at the time of the filing of the joint request.

(4). Any employee organization may obtain a certification election upon petition to the director wherein it is stated that at least 30 percent of the employees of a proposed employee unit wish to be represented by the petitioner or that the certified representative no longer represents the majority of employees in the unit.

(5). The director shall, upon receipt of an employee organization's petition to the director wherein it is stated that at least 30 percent of the employees of a proposed employee unit wish to be represented by the petitioner or that the exclusive representative of a unit no longer represents the majority of the employees in the unit, investigate to determine if sufficient evidence of a question of representation exists and hold hearings as necessary to determine the appropriate unit and such other matters that may be necessary to determine the representation rights of the affected employees and employer.

(6). In determining the numerical status of an employee organization for purposes of subdivisions 2, 3, 4, and 8, the director shall require representation authorization signatures of affected employees as verification of the statements contained in the joint request or petitions. Such authorization signatures shall be privileged and confidential information available to the director only and shall be dated.

(7). An employee organization shall be certified as the exclusive representative of an appropriate unit upon receiving a majority of those votes cast in the appropriate unit at a certification election.

(8). The director shall issue his order providing for a secret ballot election by the employees in a designated appropriate unit. The election shall be held in the premises where those voting are employed unless the director shall determine that the election cannot be fairly held, in which case it shall be held at such a place as the director shall determine.

(9). The ballot in a certification election may contain as many names of representative candidates as have demonstrated that the candidate has 30 percent of the employees in the unit desiring it as their exclusive representative. The ballots shall, in every case, contain an appropriate space for employees to indicate that no representation is desired.

(10). The director shall provide for and count absentee ballots in all elections.

(11). If no choice on the ballot receives a majority of those votes cast in the unit, the director shall conduct a run off election wherein the ballot shall contain only the two choices receiving the greater number of votes.

(12). Upon a representative candidate receiving a majority of those votes cast in a unit, the director shall certify that representative candidate as the exclusive representative of all employees in the unit.

(13). Upon a finding by the director of an unfair labor practice being committed by an employer or representative candidate or an employee or group of employees, which unfair labor practice affected the result of an election held pursuant to this section, the director may void such election result and order a new election.

(14). Upon the director certifying an exclusive representative, he shall not consider the question again for a period of one year, unless the exclusive representative is decertified by a court of competent jurisdiction, or by the director as authorized by Sec. 179.71.

Example of Criteria for Defining Bargaining Unit Used in Bargaining Unit; Type of Representation; Union Security

FLORIDA Statutes Public Employee Relations Act: § 447.305(4)

In defining a proposed *bargaining unit*, the commission shall take into consideration:

(a) The principles of efficient administration government;

(b) The number of employee organizations with which the employer might have to negotiate;

(c) The compatibility of the unit with the joint responsibilities of the public employer and public employees to represent the public;

(d) The power of the officials of government at the level of the unit to agree or make effective recommendations to another administrative authority or a legislative body, with respect to matters of employment upon which the employee desires to negotiate;

(e) The organizational structure of the public employer;

(f) *Community of interest* among the employees to be included in the unit, considering:

1. The manner in which wages and other terms of employment are determined.
2. The method by which jobs and salary classifications are determined.
3. Interdependence of jobs and interchange of employees.
4. Desires of the employees.
5. The history of employee relations within the organization of the public employer concerning organization and negotiation, and the interest of the employees and the employer in the continuation of a traditional, workable and accepted negotiation relationship.

(g) The statutory authority of the public employer to administer a classification and pay plan;

(h) Such other factors and policies as the commission may deem appropriate.

Example of Administration Provisions

NEW YORK McKinney's Consolidated Laws Annotated: Taylor Act: § 205

Public employment relations board. — 1. There is hereby created in the state department of civil service a board, to be known as the public employment relations board, which shall consist of three members appointed by the governor, by and with the advice and consent of the senate from persons representative of the public. Not more than two members of the board shall be members of the same political party. Each member shall be appointed for a term of six years except that of the members first appointed, one shall be appointed for a term to expire on May thirty-first, nineteen hundred sixty-nine, one for a term to expire on May thirty-first, nineteen hundred seventy-one, and one for a term to expire on May thirty-first, nineteen hundred seventy-three. The governor shall designate one member as chairman of the board. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he is to succeed.

2. Members of the board shall hold no other public office or public employment in the state. The chairman shall give his whole time to his duties.

3. Members of the board other than the chairman shall, when performing the work of the board, be compensated at the rate of one hundred dollars per day, together with an allowance for actual and necessary expenses incurred in the discharge of their duties hereunder. The chairman shall receive an annual salary to be fixed within the amount available therefor by appropriation, in addition to an allowance for expenses actually and necessarily incurred by him in the performance of his duties.

4. (a) The board may appoint an executive director and such other persons, including but not limited to attorneys, mediators, members of fact-finding boards and representatives of employee organizations and public employers to serve as technical advisers to such fact-finding boards, as it may from time to time deem necessary for the performance of its functions, prescribe their duties, fix their compensation and provide for reimbursement of their expenses within the amounts made available therefor by appropriation. (Attorneys appointed under this section may, at the direction of the board, appear for and represent the board in any case in court.)

(b) No member of the board or its appointees pursuant to this subdivision, including without limitation any mediator or fact-finder employed or retained by the board, shall, except as required by this article, be compelled to nor shall he voluntarily disclose to any administrative or judicial tribunal or at the legislative hearing, held pursuant to subparagraph (iii) of paragraph (e) of subdivision three of Sec. 209, any information relating to the resolution of a particular dispute in the course of collective negotiations acquired in the course of his official activities under this article, nor shall any reports, minutes, written communications, or other documents pertaining to such information and acquired in the course of his official activities under this acticle be subject to subpoena or voluntarily disclosed; except that where the information so required indicates that the person appearing or who has appeared before the board has been the victim of, or otherwise involved in, a crime, other than a criminal contempt in a case involving or growing out of a violation of this article, said members of the board and its appointees may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is the subject of inquiry.

5. In addition to the powers and functions provided in other sections of this article, the board shall have the following powers and functions:

(a) To establish procedures consistent with the provisions of section two hundred seven of this article and after consultation with interested parties, to resolve disputes concerning the representation of employee organizations.

(b) To resolve, pursuant to such procedures, disputes concerning the respresentation status of employee organizations of employees of the state and state public authorities upon request of any employee organization, state department or agency or state public authority involved.

(c) To resolve, pursuant to such procedures but only in the absence of applicable procedures established pursuant to section two hundred six of this article, disputes concerning the respresentation status of other employee organizations, upon request of any employee organization or other government or public employer involved.

(d) To establish procedures for the prevention of improper employer and employee organization practices as provided in Sec. 209-a of this article, and to issue a decision and order directing an offending party to cease and desist from any improper practice, and to take such affirmative action as will effectuate the policies of this article (but not to assess exemplary damages), including but not limited to the reinstatement of employees with or without back pay; provided, however, the board shall not have authority to enforce an agreement between an employer and an employee organization and shall not exercise jurisdiction over an alleged violation of such an agreement that would otherwise constitute an improper employer or employee organization practice. The pendency of proceedings under this paragraph shall not be used as the basis to delay or interfere with determination of representation status pursuant to Sec. 207 of this article or with collective negotiations. The board shall exercise exclusive nondelegable jurisdiction of the powers granted to it

by this paragraph; provided, however, that this sentence shall not apply to the city of New York prior to March 1, 1973.

(e) To make studies and analyses of, and act as a clearinghouse of information relating to, conditions of employment of public employees throughout the state.

(f) To request from any government, and such governments are authorized to provide, such assistance, services and data as will enable the board properly to carry out its functions and powers.

(g) To conduct studies of problems involved in representation and negotiation, including, but not limited to (i) whether employee organizations are to be recognized as representatives of their members only or are to have exclusive representation rights for all employees in the negotiating unit, (ii) the problems of unit determination, (iii) those subjects which are open to negotiation in whole or in part, (iv) those subjects which require administrative or legislative approval of modifications agreed upon by the parties, and (v) those subjects which are for determination solely by the appropriate legislative body, and make recommendations from time to time for legislation based upon the results of such studies.

(h) To make available to employee organizations, governments, mediators, fact-finding boards and joint study committees established by governments and employee organizations statistical data relating to wages, benefits and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve complex issues in negotiations.

(i) To establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators, arbitrators or members of fact-finding boards.

(j) To hold such hearings and make such inquiries as it deems necessary for it properly to carry out its functions and powers.

(k) For the purpose of such hearings and inquiries, to administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate such powers to any member of the board or any person appointed by the board for the performance of its functions. Such subpoenas shall be regulated and enforced under the civil practice law and rules.

(l) To make, amend and rescind, from time to time, such rules and regulations, including but not limited to those governing its internal organization and conduct of its affairs, and to exercise such other powers as may be appropriate to effectuate the purposes and provisions of this article.

6. Notwithstanding any other provisions of law, neither the president of the civil service commission nor the civil service commission or any other officer, employer, board or agency of the department of civil service shall supervise, direct or control the board in the performance of any of its functions or the exercise of any of its powers under this article; provided, however, that nothing herein shall be construed to exempt employees of the board from the provisions of the civil service law.

Examples of Definitions of Management Rights Used in Scope of Bargaining; Management Rights

MONTANA Statutes Public Employee Law: § 59-1603(2)

(2) Public employees and their representatives shall recognize the prerogatives of public employers to operate and manage their affairs in such areas as but not limited to:

(a) direct employees;

(b) hire, promote, transfer, assign, and retain employees;

(c) relieve employees from duties because of lack of work or funds or under conditions where continuation of such work be inefficient and nonproductive;

(d) maintain the efficiency of government operations;

(e) determine the methods, means, job classifications, and personnel by which government operations are to be conducted;

(f) take whatever actions may be necessary to carry out the missions of the agency in situations of emergency;

(g) establish the methods and processes by which work is performed.

PENNSYLVANIA Purdon's Statutes Annotated: Public Employee Relations Act: Titl. 43, § 1702

Public employers shall not be required to bargain over matters of inherent managerial policy, which shall include but shall not be limited to such areas of discretion or policy as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel.

Example of Bargaining Impasse Procedures

IOWA SF 531, 1974 Secs. 19-22

Sec. 19. *Impasse procedures;* agreement of parties. — As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than 120 days prior to the certified budget submission date of the public employer. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in Secs. 20, 21 and 22 of this Act shall apply.

Sec. 20. *Mediation.* — In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures, 120 days prior to the certified budget submission date, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 21. *Fact-finding.* — If the impasse persists 10 days after the mediator has been appointed, the board shall appoint a fact-finder representative of the public, from a list of qualified persons maintained by the board. The fact-finder shall conduct a hearing, may administer oaths, and may request the board to issue subpoenas. The fact-finder shall make written findings of facts and recommendations for resolution of the dispute and, not later than 15 days from the day of appointment, shall serve such findings on the public employer and the certified employee organization.

The public employer and the certified employee organization shall immediately accept the fact-finder's recommendation or shall within five days submit the fact-finder's recommendations to the governing body and members of the certified employee organization for acceptance or rejection. If the dispute continues 10 days after the report is submitted, the report shall be made public by the board.

Sec. 22. *Binding arbitration.* — 1. If an impasse persists after the findings of fact and recommendations are made public by the fact-finder, the parties may continue to negotiate or, the board shall have the power, upon request of either party, to arrange for arbitration, which shall be binding. The request for arbitration shall be in writing and a copy of the request shall be served upon the other party.

Each party shall submit to the board within four days of request a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of arbitrators.

As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection (5) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

3. The submission of the impasse items to the arbitrators shall be limited to those issues that had been considered by the fact-finder and upon which the parties have not reached agreement. With respect to each such item, the arbitration board award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board or to the recommendation of the fact-finder on each impasse item.

4. The panel of arbitrators shall consist of three members appointed in the following manner:

a. One member shall be appointed by the public employer.

b. One member shall be appointed by the employee organization.

c. One member shall be appointed mutually by the members appointed by the public employer and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators. No member appointed shall be an employee of the parties.

d. The public employer and employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel and all other costs of arbitration shall be shared equally.

5. If the third member has not been selected within four days of notification as provided in subsection (2) of this section, a list of three arbitrators shall be submitted to the parties by the board. The two arbitrators selected by the public employer and the employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the board. The arbitrator having the right to remove the first name shall do so within two days, and the second arbitrator shall have one additional day to remove one of the two remaining names. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within 10 days at a location designated by him.

6. If a vacancy should occur on the panel of arbitrators, the selection for replacement of such member shall be in the same manner and within the same time limits as the original member was chosen. No final selection under subsection (9) of this section shall be made by the board until the vacancy has been filled.

7. The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

8. From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

9. The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

a. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.

b. Comparison of wages, hours and conditions of employment of the involved public employees with those of

other public employees doing comparable work, giving consideration to factors peculiar to the area and the classification involved.

c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services.

d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations.

10. The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the district court at the seat of government or of the county in which any hearing is held to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

11. A majority of the panel of arbitrators shall select within 15 days after its first meeting the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties, or the recommendations of the fact-finder on each impasse item.

12. The selections by the panel of arbitrators and items agreed upon by the public employer and the employee organization, shall be deemed to be the collective bargaining agreement between the parties.

13. The determination of the panel of arbitrators shall be by majority vote and shall be final and binding subject to the provisions of Sec. 17, subsection (6), of this Act. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

Example of Provisions for Unfair Practices; Penalties; Strikes

OREGON Revised Statutes: Public Employer Law: § 243.672 & 243.676

Sec. 243.672. *Unfair labor practices; filing complaints.* — (1) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

(a) Interfere with, restrain or coerce employes in or because of the exercise of rights guaranteed in ORS 243.662.

(b) Dominate, interfere with or assist in the formation, existence or administration of any employe organization.

(c) Discriminate in regard to hiring, tenure or any terms or condition of employment for the purpose of encouraging or discouraging membership in an employe organization. Nothing in this section is intended to prohibit the entering into of a fair-share agreement between a public employer and the exclusive bargaining representative of its employes. If such a "fair-share" agreement has been agreed to by the public employer and exclusive representative, nothing shall prohibit the deduction of the payment-in-lieu-of-dues from the salaries or wages of such employes.

(d) Discharge or otherwise discriminate against an employe because the employe has signed or filed an affidavit, petition or complaint or has given information or testimony under ORS 243.650 to 243.782.

(e) Refuse to bargain collectively in good faith with the exclusive representative.

(f) Refuse or fail to comply with any provision of ORS 243.650 to 243.782.

(g) Violate the provisions of any written contract with respect to employment relations including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept such awards as final and binding upon them.

(h) Refuse to reduce an agreement, reached as a result of collective bar-

gaining, to writing and sign such contract.

(i) Communicate directly or indirectly with employes in the bargaining unit other than the designated bargaining representative during the period of negotiations regarding employment relations, except for matters relating to the performance of the work involved.

(2) It is an unfair labor practice for a public employe or for a labor organization or its designated representative to do any of the following:

(a) Interfere with, restrain or coerce any employe in or because of the exercise of any right guaranteed under ORS 243.650 to 243.782.

(b) Refuse to bargain collectively in good faith with the public employer if the labor organization is an exclusive representative.

(c) Refuse or fail to comply with any provision of ORS 243.650 to 243.782.

(d) Violate the provisions of any written contract with respect to employment relations, including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept such awards as final and binding upon them.

(e) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and sign the resulting contract.

(f) Communicate directly or indirectly during the period of negotiations with officials other than those designated to represent the employer regarding employment relations.

(3) No provision or ORS 243.650 to 243.782 makes an unfair labor practice any act that was performed before October 1, 1973.

(4) An injured party may file a written complaint with the board not later than 180 days following the occurrence of an unfair labor practice.

Sec. 243.676. Processing of unfair labor practice complaints by board. — (1) Whenever a written complaint is filed alleging that any person has engaged in or is engaging in any unfair labor practice listed in subsections (1) and (2) of ORS 243.672, the board or its agent shall:

(a) Cause to be served upon such person a copy of the complaint; and

(b) Investigate the complaint to determine if a hearing on the unfair labor practice charge is warranted. If the investigation reveals that no issue of fact or law exists, the board may dismiss the complaint.

(c) Set the matter for hearing if the board finds in its investigation made pursuant to paragraph (b) of this subsection that an issue of face or law exists. The hearing shall be before the board or an agent of the board not more than 20 days after a copy of the complaint has been served on the person.

(2) Where, as a result of the hearing required pursuant to paragraph (c) of subsection (1) of this section, the board finds that any person named in the complaint has engaged in or is engaging in any unfair labor practice charged in the complaint, the board shall:

(a) State its findings of fact;

(b) Issue and cause to be served on such person an order that he cease and desist from the unfair labor practice; and

(c) Take such affirmative action, including but not limited to the reinstatement of employes with or without back pay, as necessary to effectuate the purpose of ORS 240.060, 240.065, 240,080, 240.123, 243.650 to 243.782, 292.055, 341.290, 662.705, 662.715 and 662.785.

(3) Where the board finds that the person named in the complaint has not engaged in or is not engaging in an unfair labor practice, it shall issue an order dismissing the complaint.

(4) As used in subsections (1) to (3) of this section, "person" includes but is not limited to individuals, labor organizations, associations and public employers.

Appendix B

Glossary

Agency shop: This term is used when employees who are not members of a bargaining unit, but who are represented by them during the bargaining process and in the administration of a bargained agreement, are required to pay a service fee to the organization.

Arbitration: A procedure whereby parties unable to agree on a solution to a problem (i.e., at impasse in a contract negotiation or a grievance procedure) will be bound by the decision of a third party.

Bargaining unit: A group of employees organized as a single unit and having the right to bargain, through its designated representative(s), with the employer.

Certified employee: (also certificated) As the term applies to education: a teacher, supervisor, principal or other administrator who must hold a state certificate in order to be employed in the profession.

Classified employee: For the purposes of the chart in this book, a classified employee is one who is below the rank of teachers, i.e., food employees, bus drivers, clerks, maintenance personnel, etc. Not to be confused with state-level classified employees, i.e., civil service positions that may be "classified" from bottom to top.

Court review: The means through which a court of appropriate jurisdiction may consider and rule upon actions or findings of a labor relations board or other involved agency or individual.

Dues checkoff: The practice of the employer of deducting bargaining unit dues from members' paychecks for remission to the bargaining unit treasury. Some state laws do not permit this practice; others do. When permitted, the dues deduction procedure often is negotiated as a part of the contract between employer and employee bargaining unit.

Exclusive representation: A bargaining unit has exclusive representation when it is recognized by the employer as the sole representative of the kinds of employees who are members of the unit.

Fact-finding:	The process of determining accurate facts and information to be used as a basis for recommendations for the resolution of a contract dispute or grievance claim.
Grievance:	An allegation by an employee or by the union that the employer or one of its agents, in the process of implementation of a contract, is guilty of misapplication, misinterpretation or violation of one or more specific provisions of the existent contract.
Impasse:	That stage in negotiations at which two parties are, or appear to be, unable to achieve resolution of the issues still on the bargaining table.
Injunctive relief:	An order by a court to perform or cease to perform a specific activity.
Legislative body:	A policy-making body that has the authority to levy taxes and/or make appropriations.
Management rights:	Certain rights, privileges, responsibilities and authority requisite to the conduct of an enterprise by its management.
Mediation:	That form of impasse resolution (usually implemented first) in which a third party meets with the two parties of the dispute, together and/or separately, in order to perform a catalytic function in an effort to reach an agreement.
Middle management:	For the purposes of the chart in this book, the term encompasses personnel from supervisors to a level just below top management.
Nonprofessional employee:	Most often, a lower-level employee whose work is routine, the performance of which is not dependent on specialized education at the postsecondary level or equivalent experience.
Professional employee:	Most often, a higher-level employee whose work is not routine or measurable, the performance of which is dependent on specialized education at the postsecondary level or equivalent experience.
Recognition:	The accomplishment of the status, by the employee organization with the employer, of collective bargaining agent for a unit of defined extent.
Scope of bargaining:	Bargainable items — the limits, if any, of the appropriate subject matter for bargaining. If such are not set by law, they are determined by the interaction at the bargaining table. If there is not agreement on the scope of bargaining, decisions may be made by a public employment relations board or other administering agency or individual or by an appropriate court.

Service fees:	A sum of money paid to the bargaining unit by nonmember employees who are, nevertheless, represented by the bargaining unit. Some state laws permit these fees; others do not. Service fees may be equal to a unit member's regular dues; they may be a certain percentage of these dues; they may be equal to that portion of membership dues that are used to cover the expense of negotiating and administering a contract. In some states, nonmembers represented by a negotiating unit who have valid religious objections to the payment of service fees to an organized bargaining unit may be granted an exemption from the requirement; or their service fee may be remitted to an appropriate charity.
Strike:	A concerted work stoppage, usually used as an effort at the time of impasse to accomplish a contract on terms acceptable to the union.
Supervisor:	An individual who, using independent judgment, directs other employees and has a voice in their employment, reward, discipline, dismissal and grievances.
Union security:	A blanket term for rights, granted to a bargaining unit by law or agreement, that reinforce its position as exclusive representative. Dues deduction and service fees are forms of union security, as are specified periods of time during which the unit's standing as exclusive representative may not be challenged.
Union shop:	This term applies when an employee is required under the terms of a bargained agreement to become a member of the bargaining unit within a short time after initial employment in order to retain the job. Membership must be maintained during the term of the bargained agreement. In rare cases, union shops are permitted under state law.

Education Commission of the States

The Education Commission of the States is a nonprofit organization formed by interstate compact in 1965. Forty-six states, American Samoa, Puerto Rico and the Virgin Islands are now members. Its goal is to further a working relationship among governors, state legislators and others who care for the improvement of education. This report is an outcome of one of many coordinated undertakings at all levels of education. The Commission offices are located at Suite 300, 1860 Lincoln Street, Denver, Colorado 80295.

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